from A. C. SPECTORSKY

Dear Chief Curry:

It is our pleasure to send you tearsheets from the February issue of PLAYBOY Magazine and call your attention to the Playboy Interview "MARK LANE" in which you are mentioned.

We would be delighted to hear -- and would certainly value -- any comments you might have concerning this interview we might use in our Letters to the Editor column.

Cordially,

A. C. Spectorsky

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Editorial Director

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PLAYBOY INTERVIEW: MARK LANE

a candid conversation with the fiery attorney and author of "rush to judgment," the documented, best-selling indictment of the warren report

News of the assassination of John Fitzgerald Kennedy had hardly reached a stunned world when the inevitable question was asked: Is this part of a conspiracy? When Lee Harvey Oswald, charged with the assassination, was in turn assassinated, the whispers of doubt swelled to a chorus. Scripps-Howard columnist Richard Starnes summed up the feelings of many Americans when he wrote: "Our credentials as a civilized people stand suspect before the world . . . but the real depth of the disaster that has befallen us cannot yet be imagined. In its 188th year, the Republic has fallen upon unspeakably evil days, and great mischief is afoot in the land. It remains to be seen whether more convulsions will rack us before it is over . . ."

Starnes' jeremiad was echoed abroad, where it was generally assumed that the murders of Kennedy, Oswald and Officer J. D. Tippit were all pieces in a monstrous, conspiratorial jigsaw puzzle. The Communist nations were quick to allege that the President had been murdered by a plot originating within his own Government, and that Oswald had been silenced before he could incriminate other members of the cabal. Tass cabled from Washington to Moscow on November 25, 1963, just three days after the assassination, that "All circumstances of President Kennedy's death allow one to assume that this murder was planned and carried out by the ultra-right-wing, fascist and racist circles, by those who cannot stomach any step aimed at the easing of international tensions and the improvement of Soviet-American relations."

In other countries, too, rumors of conspiracy abounded. The London Daily Telegraph's *Dallas correspondent reported on November 26 that "World opinion as much as American is not fully satisfied about this terrible affair. This has resulted in an elephantine attempt on the part of the local authorities concerned to cover up for one another." On November 27, the conservative London* Daily Mail *declared editorially that "facts can be produced that a right-wing plot against the President had caused his death." French press opinion was even less restrained.* Paris Jour *carried a front-page article entitled "Oswald Cannot Have Been Alone in the Shooting," while* Liberation *wrote that "There is no doubt that President Kennedy fell into a trap. He was the victim of a plot. And in this plot it is evident that the Dallas police, protectors of gangsters like Ruby, played a role one can only describe as questionable. They created a defendant, then allowed one of their stool pigeons to kill him."*

In hasty pursuit of a scapegoat, conservatives and reactionaries—at home as well as abroad—were eager to blame liberals and leftists, who returned the charges. To dispel such divisive speculation, President Johnson appointed an ultra-prestigious Presidential Commission, headed by Chief Justice Earl Warren, to investigate the assassination. Serving under Warren were former CIA Director Allen Dulles; John McCloy, former Assistant Secretary of War; Senators Richard Russell and John Sherman Cooper; and Representatives Gerald Ford and Hale Boggs. J. Lee Rankin, former Solicitor General of the United States, was appointed as the Commission's Chief Counsel, directing a staff of 14 lawyers.

The very appointment of such a blue-ribbon investigative body allayed many fears, at least in America. Ten months after the assassination, when the Warren Commission released its findings, Americans heaved a national sigh of relief. There had been no conspiracy, the Commission concluded. Lee Harvey Oswald, acting alone and irrationally, had murdered the President. Jack Ruby had killed Oswald on his own and without premeditation. The verdict was in, and it was almost unanimously accepted—in the United States. Two months later, when the Commission released its 26 volumes of supporting evidence—a massive 17,815 pages—the case appeared forever closed. A grateful public hailed the Commission for settling its gnawing doubts and clearing the air of poisonous rumors. Harrison Salisbury, assistant managing editor of The New York Times, *echoed popular sentiment when he wrote in the* Times: *"No material*

"History may come to know the Warren Report as the 'Warren Whitewash'; it may be ranked with Teapot Dome as a synonym for political cover-up and cynical manipulation of the truth."

"There were 90 witnesses to the assassination who were questioned and were able to give an assessment of the origin of the shots. Of those, 58 said they came from behind the fence on the grassy knoll."

"There were at least two assassins. The evidence is conclusive on that score. But the Commission wanted to disprove a conspiracy, and this desire defeated its investigative function."

question now remains unsolved so far as the death of President Kennedy is concerned. The evidence of Oswald's single-handed guilt is overwhelming."

But historians know that often enough, the more they study a complex event, the less they know about it. For each question answered, seven more spring up to take its place. The Warren investigation, with an unlimited budget, a full-time staff of 26 and complete access to the massive investigative apparatus of the United States Government, was the largest historical inquiry ever undertaken. Inevitably, it would produce a paper mountain of conflicting reports, contradictory testimony, expert disagreement and unanswered questions. By publishing the 26 volumes of hearings and exhibits —containing considerable evidence contradicting its own findings—the Warren Commission implicitly acknowledged the inscrutability of fact. Doubts were to be expected; it's surprising only that they took so long to surface. Discussions of their validity may occupy scholars for generations—or even centuries.

The ripples preceding the wave of criticism came first from England. The day the Report was issued, Lord Bertrand Russell denounced it as a whitewash and subsequently formed a "Who Killed Kennedy?" committee to pursue its own investigation of the assassination. And late in 1964, Hugh Trevor-Roper, Regius Professor of History at Oxford University, published a scathing attack on the Commission in the pages of England's establishmentarian London Sunday Times. *According to Trevor-Roper, the Report was not only inaccurate but "slovenly." In America, less prone to conspiratorial views of history than intriguerife Europe, criticism was slower in coming. The first two books attacking the Commission, Thomas Buchanan's "Who Killed Kennedy?" and Joachim Joesten's "Oswald: Assassin or Fall Guy?," contained wild speculations that generally discredited them as serious criticism. But the flood was only beginning. In October 1965, Pulitzer Prize–winning newsman Sylvan Fox, then–city editor of the* New York World-Telegram and Sun, *published a paperback entitled "Unanswered Questions About President Kennedy's Assassination." On May 9, 1966, Harold Weisberg, a former Senate investigator, privately published "Whitewash: A Report on the Warren Report." Seven weeks later, Viking Press published "Inquest," by Edward Jay Epstein, a 31-year-old Cornell graduate student. Originally Epstein's master's thesis, the book sold moderately well. Then, on August 15, Holt, Rinehart & Winston published Mark Lane's "Rush to Judgment," which has since forged its way to the top of the best-seller list. And on September 8, World published "The Oswald Affair," by Léo Sauvage, American correspondent for* Le Figaro *of Paris.*

This barrage of books prompted The New York Times *to comment editorially on September 1, 1966, that "Debate on the accuracy and adequacy of the Warren Commission's work is now approaching the dimensions of a lively small industry in this country." The original band of lonely doubters had multiplied to a small army. So drastically had the climate changed that* The New York Times' *White House correspondent, Tom Wicker, commented on September 25, 1966: "A public discussion group in New York sought to hold a round-table session about the Warren Report. . . . The major difficulty for the group was in finding anyone of stature who was willing to defend the Warren Report and its findings." Wicker went on to demand appointment of a new Commission to investigate the assassination. On September 28, New York Congressman Theodore R. Kupferman, citing the slew of critical books on the Report, asked the House of Representatives to establish a Senate-House Committee to conduct its own investigation of the Warren Report. Shortly thereafter,* Life *also called for a reopening of the investigation. In the November 1966 issue of* The Progressive, *Harrison Salisbury, who had earlier felt that "no material question remained unsolved," reversed his field and wrote that he was convinced "there are questions—some of them of major importance—which must be answered."*

The one man most responsible for these doubts and demands is New York attorney Mark Lane. He has been investigating the assassination since early December 1963, and since the publication of "Rush to Judgment," he has been called everything from a liar to a national hero. In a lead review for the Chicago Tribune, *Jon Waltz of the Northwestern University Law School faculty wrote: "This latest critique of the Warren Commission Report is truly horrible. [It] passes beyond the merely superficial, being frequently dishonest as well. Lane's fevered arguments have no semblance of logic or even of organization. He presents a phantasmagoric hodgepodge of unrelated and often wholly irrelevant second-guessing. If, in assembling his collection of quibbles, Lane had any ultimate purpose other than confusion and profit, it goes unstated . . . the catalog of this book's distortions and apparent fabrications, large and small, is a long and sorry one . . . no one will thank Lane for his book." But many people did —including Norman Mailer, who concluded his review in* Book Week *with a hurrah: "Three cheers for Mark Lane. His work is not without a trace of that stature we call heroic. . . . Lane's book proves once and forever that the assassination of President Kennedy is more of a mystery today than when it occurred." He called Lane's 400 pages of evidence "staggering facts. . . . If one tenth of them should prove to be significant, then the work of the Warren Commission will be judged by history to be a scandal worse than Teapot Dome."*

The hub of all this controversy, Mark Lane, was born 39 years ago in New York City, where he has lived most of his life. Currently, however, he travels through Europe and America lecturing on the assassination, frequently appearing on TV and radio talk shows, and stopping off occasionally in Denmark with his young wife, whom he met while in Copenhagen three years ago. They plan to settle in California shortly.

After serving in Army Intelligence during World War Two, Lane attended Long Island University and received his law degree from Brooklyn Law School. For 12 years he practiced law from a storefront in East Harlem; then, in 1958, he gained local prominence when he charged that young people confined in New York State homes for the mentally defective were being brutally treated by attendants. Governor Rockefeller opened hearings on the issue, and a number of guards were dismissed. In 1960, Lane was elected to the New York State Assembly, representing the black-and-white ghettos of East Harlem and Yorkville. He ran with the strong endorsement of Eleanor Roosevelt and Senator Herbert Lehman, with whom he had earlier helped establish a reform movement within the New York Democratic Party. He also had the endorsement of Senator John F. Kennedy, who moved into the White House at the same time Lane attended his first legislative session in Albany. In 1961, Lane became the first legislator to be arrested on a Freedom Ride—in Jackson, Mississippi. After two stormy years in the state assembly, he found himself ostracized as a troublemaker by a bipartisan preponderance of his fellow assemblymen, and did not run for re-election.

When President Kennedy was assassinated, Lane initiated what his supporters have termed "his lonely crusade." His involvement began in December, when Mrs. Marguerite Oswald appointed him —at no fee—to represent her dead son's interests at the Warren Commission hearings. The Commission refused to accept Lane as a defense attorney, but it did permit him to testify. Thus began his three-year investigation—independent, if not impartial—into the circumstances surrounding President Kennedy's assassination. Lane traveled to Dallas eight times, interviewing scores of witnesses, assisted by a group of amateur investigators who called themselves the "Citizens' Committee of Inquiry." The fruits of his researches and his conclusions comprise his book "Rush to Judgment"—and a film of the same title to be released this month.

PLAYBOY *interviewed Lane in his two-and-a-half-room walk-up apartment in*

Lower Manhattan. We began by asking for his thoughts on the integrity of the Warren Commission.

PLAYBOY: In your book, you wrote that the Warren Commission—composed of some of the most distinguished figures in American life—"covered itself with shame." Are you accusing the Commission of lying to the American people?

LANE: I would not care to say that the Commission lied, but—however distinguished its members may be—it *did* issue a false report. I know this because I carefully compared the one-volume Report with the 26 volumes of evidence that "supports" it and, in many cases, I found no relationship whatever between the Commission's conclusions and the Commission's evidence. The most innocent interpretation of its shortcomings, as Hugh Trevor-Roper expresses it in his introduction to my book, is that the Commission members did what some poor historians do: They start with a preconceived theory—in this case, that Oswald was the lone assassin of President Kennedy—and sort out all the evidence supporting that theory, in the process unconsciously rejecting any contradictory fact or interpretation. I don't know if that's what happened here, but it's one explanation and, compared with some of the other theories that have been advanced to account for the Commission's behavior, a relatively comforting one.

PLAYBOY: Haven't your critics accused you of committing the same sin you impute to the Commission—selecting from the mass of testimony those facts that agree with your preconceptions and discarding the rest?

LANE: Yes. But my book is far more thoroughly documented than the Warren Commission Report, and none of the hundreds of book reviewers across the country who've examined it has yet been able to discover a single inaccuracy, distortion or out-of-context statement. And let me add right here that the statements I will make in this interview are based either on the Warren Commission's 26 volumes of evidence or on filmed interviews I conducted in Dallas that will appear in the documentary film *Rush to Judgment* that I made with Emile de Antonio. So I don't expect you to proceed with me on faith.

PLAYBOY: You concluded in your book that the Warren Commission's "criteria for investigating and accepting evidence were related less to the intrinsic value of the information than to its paramount need to allay fears of conspiracy." Do you believe there was a conspiracy to kill President Kennedy?

LANE: Yes, I do. A conspiracy, as defined by the law, is simply two or more persons acting in concert to secure an illegal end. There were at least two assassins. The evidence is conclusive on that score. The Commission wanted to disprove a conspiracy, and this desire defeated its investigative function. Remember, a Gallup poll taken shortly after the assassination revealed that the majority of Americans believed there was no lone assassin, but an organized plot to kill the President. It was this public fear of a conspiracy, and all it implied, that the Commission was determined to allay. One of the Commission's members, John J. McCloy, said it was vital for the Commission to "show the world that America is not a banana republic, where a government can be changed by conspiracy." And another member, Senator John Sherman Cooper, said right at the outset that one of the Commission's major tasks was "to lift the cloud of doubts that had been cast over American institutions."

PLAYBOY: What was so wrong about the Commission's trying to dispel false conspiracy rumors?

LANE: Nothing, if the rumors *were* false. The trouble was that from the very beginning the Commission operated on the assumption that Oswald did it and did it alone, and relegated all facts to the contrary into this "false rumor" category. In other words, the Commission had concluded who killed Kennedy before they even began their investigation.

PLAYBOY: Let's get down to the facts of the assassination. One of the main points of your book is that the fatal shot was not fired from the sixth-floor window of the Book Depository, as the Warren Commission concludes. Do you have any evidence that shots came from somewhere else?

LANE: The Warren Commission said unequivocally that there was no credible evidence even *suggesting* that the shots came from anyplace else. This is vital to their whole case, because if the shots *did* originate from two locations, Oswald couldn't have been the "lone assassin." Let's look at the evidence. When the President was shot, his limousine had passed the Book Depository. To the right and in front of the Presidential limousine was a grassy knoll topped by a wooden fence. Some time before the motorcade reached the area, a young woman named Julia Ann Mercer saw a truck at the base of the grassy knoll, illegally parked halfway up on the sidewalk, protruding into Elm Street and partially blocking traffic. Dallas policemen were standing a short distance away, but they didn't move the truck on. Miss Mercer saw a man leave the truck and climb the grassy knoll. Another man remained in the truck. She drove off, and the truck was gone before the motorcade appeared. In an affidavit for the Dallas sheriff's office, she later said that the man was carrying "what appeared to be a gun case" about three and a half to four feet long. Miss Mercer was never called as a witness or even questioned by the Commission. All we have is her affidavit, signed before the Dallas sheriff's department on November 22. I have not been able to find her. She's no longer in Dallas.

PLAYBOY: But this is just one woman's testimony.

LANE: Yes, we begin with just one woman's testimony, but let me show how it fits into a pattern of evidence proving that at least one of the shots was fired at the President from the grassy knoll. A railroad man named Lee Bowers was in a railroad tower overlooking the knoll, and he testified that he saw two men standing behind the wooden fence just before the shots were fired. Bowers *did* appear before the Commission and he testified that the moment firing broke out something attracted his attention to the fence. He described it as "something . . . which was out of the ordinary, which attracted my eye for some reason, which I could not identify." When asked for details, he said he had seen "nothing that I could pinpoint as having happened that——" Here he was interrupted by a Commission lawyer. When I subsequently conducted a filmed and tape-recorded interview with Mr. Bowers in Dallas, I told him that for a year and a half I'd wondered what the end of that sentence was about to be. He told me, "Yes, I was interrupted by the Commission lawyers. Evidently they didn't want to get the facts. I was just going to tell that at the time the shots were fired, I looked at the fence and saw a puff of smoke, or flash of light, just when the shots were fired." Bowers gave me a description of the two men on the knoll that dovetails with the description Julia Ann Mercer gave the Dallas sheriff's office of the two men in the truck. And another witness, J. C. Price, a post office employee, told the Dallas sheriff's office, minutes after the assassination, that he was standing on top of the Terminal Annex Building on Dealey Plaza—overlooking the route of the Presidential motorcade—when the shots were fired. Price later told me that when he heard gunfire, his attention was instantly drawn to the grassy knoll. In an interview with me, he said he saw a man run from behind the wooden fence and dash across a parking lot, disappearing behind the Book Depository. Price also said the man was carrying something in his hand that could have been a gun.

PLAYBOY: So you have three witnesses who contradict the Commission's conclusion that the shots came only from the Book Depository. Why are you sure these three are right, and all the witnesses the Warren Commission relied on are wrong?

LANE: There are many more than three. For example, three railroad employees were standing on a railroad bridge running across Elm Street above and in front of the Presidential limousine. They all said to me in filmed and taped interviews, or to Federal or local authorities,

that the moment they heard shots they looked at the grassy knoll, because the shots seemed to originate there. And each one of these three men, independently, said he saw a puff of white smoke coming from behind the wooden fence. A Dallas police officer, who was among the first to arrive behind the fence just after the shooting, said he smelled gunpowder there, and Senator Ralph Yarborough of Texas stated that when his car passed the grassy knoll after the shooting, he also smelled gunpowder. In fact, the majority of witnesses to the assassination who could place the shots said—to the Federal or local police, or in their testimony—that the shots came from behind the wooden fence.

PLAYBOY: The majority? Can you give us a numerical breakdown?

LANE: There were 90 witnesses to the assassination who were questioned and who were able to give an assessment of the origin of the shots. Of those, 58—or almost two thirds—said the shots came from behind the wooden fence on the grassy knoll. I think the most significant fact here was the immediate reaction of witnesses to the shots. Twenty-five witnesses gave statements to the FBI or the Dallas police on November 22 and 23, and of those, 22 said the shots came from behind the wooden fence on the knoll, *not* from the Book Depository. And there were many others who never made statements but by their own actions indicated that the shots came from the knoll. For example, 17 Dallas deputy sheriffs ran right past the Book Depository just as the shots were fired, and rushed behind the wooden fence to begin their search. One Dallas policeman, J. M. Smith, ran to the parking lot behind the knoll and there encountered a stranger who produced credentials to show he was a Secret Service agent. Smith couldn't subsequently recall the man's name, but his account is more or less corroborated by two other Dallas officers. However, Sylvia Meagher, an independent investigator, found after painstaking research that there *were* no Secret Service agents around the knoll or parking lot at that time and suggested that an assassin may have escaped using fake Secret Service credentials. Certainly *something* was going on in that area. The Dallas police even established a command post behind the fence on the knoll, and they maintained it for more than two and a half hours. So there is overwhelming evidence that at least one shot came from the knoll.

PLAYBOY: But didn't the Commission have eyewitness evidence that shots *did* come from the sixth-floor window of the Book Depository?

LANE: The Commission had one "star" witness who testified that a man fired from that window. He was Howard L. Brennan, a 45-year-old steamfitter. There was some other evidence that shots came from there, but it was vague and frequently contradictory, so the Commission relied largely on the testimony of Brennan. He told the Commission he was seated on a concrete wall across the street from the Book Depository, 107 feet from the building and about 120 feet from the sixth-floor window. The Commission concluded that this placed him "in an excellent position to observe anyone in the window." Brennan said he heard a noise he at first thought was a motorcycle backfire—so, naturally, he looked up to the *sixth floor* of the Depository, and saw a man standing behind the window firing a rifle. Brennan signed an affidavit to that effect on November 22, swearing that the man in the window "was standing up and resting against the left window sill." However, the Commission concluded the window was open only at the bottom. So if Oswald, or anybody else, fired through that window from a standing position, he would have had to fire through the glass—which was unbroken. The Commission slithered out of this one by determining that "although Brennan testified that the man in the window was standing when he fired the shots, most probably he was either sitting or kneeling." The reason they gave was that the window ledge was only about a foot and a half from the floor, thus creating the illusion from the street below that a person was standing rather than sitting or kneeling behind the window. But Brennan himself invalidated this explanation, for he swore he saw the man both stand up *and* sit down—and withdraw from the window more than once. In any case, here we have the Commission contradicting its own star witness on a vital point of his testimony—the position of the assassin at the time of the crime.

PLAYBOY: Important as it may be, this is just one point, on which anyone could be mistaken. Was Brennan's testimony inconsistent in other respects?

LANE: Yes, it was. When Brennan was taken to the police line-up on November 22, to pick out the man he claimed to have seen in the window, Oswald was in the line-up, but Brennan failed to make a positive identification. When Brennan later testified before the Commission, he said he had known it was Oswald all along—but didn't select him from the police line-up because of his fear that the assassination was a Communist plot and "if it got to be a known fact that I was an eyewitness, my family or I, either one, might not be safe." In other words, Brennan admitted to the Commission that he had deliberately lied to the Dallas police on November 22 when he told them he could not definitely identify Oswald in the line-up. And yet the Commission chose to believe his subsequent identification of Oswald as the man in the window. In any court of law, Brennan would almost certainly have been discredited as a witness. The Commission concluded that Brennan was able to identify a man standing behind a half-closed window 120 feet away from him. This was the Commission's star witness to support their conclusion that Lee Harvey Oswald fired at the President from the sixth-floor window of the Book Depository.

PLAYBOY: Do you think that no shots actually came from the Depository?

LANE: It's not as simple as that. I believe there is no convincing evidence that Oswald fired a gun from the sixth-floor window of the Book Depository or anywhere else on the day of the assassination; but I'm not contending that it was impossible for *any* shots to have come from that window. Certainly some shots were fired from a location somewhere behind the limousine. All I'm saying is that shots *also* came from the grassy knoll, and to prove that shots came from the knoll is not to disprove that shots may have come from elsewhere as well. But this is most inconvenient for the Government's case, because it means there must have been at least two assassins, since Oswald couldn't fire at the President from both the grassy knoll and the Depository Building. So even if he was involved—and there's not sufficient proof that he was—he must have had an accomplice. This means the Commission's "single assassin" theory flies right out the window—along with, I might add, their conclusion that there is no credible evidence that the shots came from anywhere but the Book Depository. The evidence proves that some shots—including the fatal one—came from behind the wooden fence on the grassy knoll.

PLAYBOY: Is there any physical evidence to back up this assertion?

LANE: Yes: the effect of the fatal shot on the President himself. The spectator perhaps closest to the President when the fatal bullet struck was Charles Brehm, a Dallas salesman. He was standing about 20 feet away, to the left of the limousine, facing the grassy knoll. Brehm was interviewed on television in Dallas, and I spoke with him later. He told me in a filmed interview that a portion of the President's skull was driven back and sharply to the left, over the rear of the President's car. Unless the laws of physics were temporarily suspended, this offers impressive corroboration for those who say the shot came from the right front of the car—in substantially the opposite direction from the Depository.

PLAYBOY: Did the Commission call Brehm as a witness?

LANE: No, he was never called as a witness, and no Commission lawyer ever questioned him.

PLAYBOY: Is there any photographic evidence to support your contention that

the fatal shot came from the right front of the Presidential limousine?

LANE: Yes, there is. There's an eight-millimeter motion picture taken by a Dallas amateur photographer, Abraham Zapruder, some frames of which were published in *Life*. It was taken while the shots were being fired. Frame 313 of the film—which appears in Volume 18 of the Commission's evidence—shows the President just as the fatal shot struck his head. An examination of the two subsequent frames—314 and 315—would reveal whether he was driven backward or forward by the impact of the bullet. As the frames are presented in the 26 volumes, they seem to support the Commission's contention that the shots came from the rear—that the President was suddenly driven forward. But the Commission created that illusion by transposing frames 314 and 315, and by mislabeling them. Actually, the original film shows that the President *was* driven back and to the left. One of our investigators analyzed the Commission frames and wrote to J. Edgar Hoover pointing out the deception. Mr. Hoover replied—well, here's the letter. Read it yourself.

PLAYBOY: The letter, on FBI stationery and signed "John Edgar Hoover, Director," reads, in part: "You are correct in the observation that frames labeled 314 and 315 of Commission Exhibit 885 are transposed in Volume 18 as noted in your letter."

LANE: There's another interesting aspect of the Zapruder film: The Commission published most of the frames, but they failed to publish frames 208 to 211. A street sign visible in frame 207 is only partially visible in frame 212, because Zapruder panned his camera to photograph the moving Presidential limousine. In frame 212, sharp lines of stress suddenly appear on the back of the sign—which stood in a direct line of sight between the grassy knoll and the Presidential limousine—and the lines lengthen and deepen in succeeding frames. They appear to radiate from a spot in the lower left portion of the sign, but that portion is no longer visible by the time frame 212 was photographed. These stress lines appear to be the result of the impact of a bullet. Thus, what the Commission failed to publish—frames 208 to 211—could well be photographs of a portion of the sign struck by a bullet fired from the grassy knoll: This sign was removed from Dealey Plaza just after the assassination and has since disappeared. The question of these missing frames was brought before one of the Commission's lawyers last year by David Lifton, a graduate engineering student and an associate of the Citizens' Committee of Inquiry. The lawyer was so concerned that he wrote to Lee Rankin and Norman Redlich, two other Commission attorneys, admitting that Lifton's evaluation of the stress signs as a result

of bullet impact "seemed plausible to me." This Commission attorney commented: "I have no recollection that anybody considered what happened to the sign, or that anybody was aware of the fact that the frames were omitted, or that there were peculiar marks on the back of the sign." He understood the significance of the stress marks quite clearly, for he added: "Since Oswald could not have fired fast enough to have hit the sign with one shot at frame 208 and the President with another shot before frame 225, when the President came out from behind the sign, the notion is that someone else must have been firing at the President, too." Mr. Redlich's reply was typical: "All of the evidence which we have indicates quite conclusively that no shots were fired from the front." In other words, since we start with the immutable presumption that Oswald was the lone assassin, firing from the rear, all contrary evidence must be dismissed.

PLAYBOY: Is there any evidence that some shots could have come from other locations, such as the railroad overpass?

LANE: Some shots may have originated from other locations. My only point is that it's impossible to conclude there was a *lone* assassin, Oswald or anyone else, after we determine that even *one* shot originated elsewhere. But I don't see how shots could have been fired from the railroad overpass without attracting the attention of the numerous witnesses there. They would have seen and heard someone firing a rifle, since there is no easy place to hide on the overpass. But I do believe shots came from *both* the front and the rear. It's possible that some shots from the rear originated in the building housing the Dallas sheriff's department —as at least one eyewitness, Charles Brehm, told me he thought at the time. But let me make clear that to say shots might have come from that building is not to imply a sheriff or policeman fired them—any more than the Commission's conclusion that shots came from the Book Depository Building implicates any publishing firms with offices there. Let's just say that Dallas law-enforcement officers would hardly be eager to investigate the possibility that the President of the United States was shot from one of their own buildings.

PLAYBOY: Are you charging, in effect, that the Warren Commission lied—by ignoring all evidence to the contrary—when it concluded that the President was shot only from the sixth-floor window of the Book Depository?

LANE: "Lied" is not my word. After all, as news media have assured us for three years now, the members of the Warren Commission are all honorable men. But concerning Oswald's presence in that window, there *is* one piece of crucial evidence that could prove fairly conclusively whether he was there or not. A few seconds before the first shot hit the President, a Polaroid photograph was taken of the Presidential limousine. It was developed on the scene, and shows the sixth-floor window of the Book Depository moments before the shots were fired. The picture was taken by a Dallas resident named Mary Moorman. The 26 volumes contain a report from a Dallas deputy sheriff, John Wiseman, who requisitioned the picture from Miss Moorman. On November 23, Wiseman reported to the Dallas sheriff's department that he had looked at the picture—but he was never asked what it showed. His affidavit does state that the photo shows the window where the gunman was alleged to have been firing, but it doesn't mention whether anyone is *in* the window. This picture was turned over by the Dallas deputy sheriff to agents of the Secret Service. It has never been published. No one will say where it is. It is not available in the National Archives. Presumably, the Government has it somewhere, but nobody is talking. I think it's safe to assume that if this photo, taken a few seconds before the shots were fired, showed Lee Oswald or anyone else shooting at the President from the Depository window, it would probably have been published on the cover of the Warren Commission Report. Certainly it would have been published *somewhere* as irrefutable proof of Oswald's guilt—and the origin of at least some of the shots. In light of the picture's suppression, you can draw your own conclusions as to what it did or did not show.

PLAYBOY: Did the nature of President Kennedy's wounds shed any light on the origin of the shots?

LANE: That's a key question. Remember at the moment the first shot was fired, President Kennedy was facing to his front and to his right—toward the grassy knoll. Even the Commission concedes this. Now, if the bullet that struck his throat came from the knoll, then the wound would have to be an entrance wound. On the other hand, if the bullet came from the Book Depository Building, behind the Presidential limousine, then it would have to be an exit wound. Every doctor at Dallas' Parkland Hospital who examined the wound in President Kennedy's throat and made a statement to the press on the day of the assassination said the throat wound was an *entrance* wound. That means the bullet entered from the front. As I said, the Commission itself concedes that the President was looking in the general direction of the knoll at that moment. Thus, the medical evidence supports the eyewitness testimony of people in Dealey Plaza that some shots—at least this shot —came from the grassy knoll.

PLAYBOY: But the Warren Commission later concluded that the throat wound was, in fact, an exit wound, supporting their conclusion that the shots came from the Book Depository.

LANE: Sure they did. But just saying it's so doesn't make it so, even when it's said by—as I think you called them—"some of the most distinguished figures in American life." The fact is, the Commission's conclusion that the wound was an exit wound was as questionable as the rest of their findings. They reached it because they had to; otherwise their whole case against Oswald as the lone assassin would fall apart. And to make their exit-wound conclusion stick, they conveniently disposed of—or ignored—all the embarrassing contradictory evidence.

PLAYBOY: If the throat wound was an entrance wound, what happened to the bullet? None was found in the President's body.

LANE: Whether or not a bullet remained in the President's body can best, perhaps only, be determined by an examination of the autopsy X rays. But that evidence —constituting at law "the *best* evidence" —has been suppressed, and we are left with the opinions of military physicians. The medical authorities who conducted the autopsy at the Bethesda, Maryland, Naval Hospital took one roll of 120 film, 22 color photographs, 18 black-and-white prints, and 11 X rays of the President's body. Those photographs and X rays could answer the question of where the bullets came from. Naval Commander J. J. Humes, the doctor at the Naval Hospital who had the photos taken to assist him in determining the path of the bullet through the President's body, testified they were taken from him by agents of the Secret Service before they were even developed. The X rays and photographs have never been seen by any member of the Warren Commission, nor by any of its attorneys. This incredible fact is reluctantly corroborated by former Commission Counsel Arlen Specter, in an interview in the October 10, 1966, issue of *U. S. News & World Report*. You'll recall that the whereabouts of the photos was unknown until early last November, when, according to *The New York Times* of November 2, the Justice Department "disclosed that photographs and X rays taken of President Kennedy's body at the autopsy after his assassination were turned over to the National Archives . . . by the Kennedy family." It's comforting to learn that the photos haven't disappeared, but no non-Government investigator will be able to examine the material for at least five years. Anyway, the main point is not what the photos and X rays show, but why the Warren Commission never tried to secure them in the first place. The Commission's failure to examine them epitomizes their inadequate investigation. If they had done everything else perfectly, this one vital omission would still be enough to discredit their work.

PLAYBOY: Why didn't the Warren

Commission ask to examine the photos and X rays?

LANE: I don't know. Perhaps they thought that the evidence might confuse them. It might even interfere with their tidy preconceptions. When President Johnson was asked this at a press conference, he replied, "I think every American can understand the reasons why we wouldn't want to have the garments, the records and everything paraded out in every sewing circle in the country to be exploited and used without serving any good or official purpose." Well, no one has suggested that the evidence be utilized in that fashion—merely that the Commission should have *seen* the evidence before they signed their Report.

PLAYBOY: What did the doctors who conducted the autopsy say about the President's wounds?

LANE: At first, nothing—for the simple reason that the Government silenced them. Humes, who conducted the autopsy, told a *New York Times* reporter he "had been forbidden to talk" by agents of the FBI. Doctors at Parkland Hospital who originally said the throat wound was an entrance wound were similarly visited by the FBI and told to make no more public statements. In fact, if you turn to Volume 17 of the Warren Commission testimony, you'll find a most extraordinary certificate written by Dr. Humes. It reads: "I, James J. Humes, certify that I have destroyed by burning certain preliminary draft notes relating to Naval Medical School Autopsy Report A63-272 . . ." Think about this for a moment. Here we have a commander in the United States Navy, who is also a doctor, assigned to perform the autopsy on the assassinated President of the United States, burning his draft notes on the autopsy—really, *our* notes—and being silenced by the FBI. And we have crucial evidence, the X rays and photographs, never examined by the Commission. If Oswald was the lone assassin, if all the shots came from the Book Depository, if everything is as cut and dried as the Commission assures us it is, then why the mystery? Why the official suppression? Are we really 17 years from 1984? If you wonder why Dr. Humes burned his notes, I refer you to the statement of one of the most inventive of the Warren Commission lawyers, Arlen Specter, in that interview with *U. S. News & World Report*. Here Specter explains that Humes "had never performed an autopsy on a President" before. No doubt he was out on a house call when Roosevelt died, and therefore lacked the prerequisite experience that would have taught him that valuable Government documents are not to be destroyed.

PLAYBOY: Have you tried to reach Humes yourself to find out why he burned his notes?

LANE: I wrote to him but never received an answer.

PLAYBOY: Is there any physical evidence to support the Commission's conclusion that Oswald was the lone assassin?

LANE: Only Exhibit number 399.

PLAYBOY: Which is?

LANE: Exhibit 399 of the Warren Commission Report is a bullet that is the only substantial link between the assassination and the Mannlicher-Carcano rifle the Commission claims belonged to Oswald. There are some bullet fragments that the Commission also attempted to link to the Mannlicher-Carcano, but the whole body of ballistics literature demonstrates that they are valueless for purposes of identification. The significance of Exhibit 399, however, goes beyond the fact that it was used in an effort to tie Oswald to the murder. The Commission's whole single-assassin theory rests on the fact that this bullet hit *both* President Kennedy and Governor Connally.

PLAYBOY: Why?

LANE: Because the Zapruder film shows that the *maximum* time that could have separated the wounding of the President and of the governor was 1.8 seconds. The expert who tested the alleged assassination weapon for the Government said it required a minimum of 2.3 seconds simply to work the bolt of the Carcano rifle. This was the minimum interval between the two shots, not including the time necessary to aim; thus Oswald could not have fired twice in less than 2.3 seconds. But the Warren Commission was faced with the demonstrable fact that, at most, only *1.8* seconds elapsed between the time President Kennedy was shot and the time the governor, who was sitting on a jump-seat in front of Kennedy, was hit. This meant the shot that wounded Governor Connally was fired by somebody else. As the Commission's own counsel, J. Lee Rankin, put it: "To say that they were hit by separate bullets is synonymous with saying that there were two assassins." The Commission resolved this dilemma with an imaginative invention: that one bullet struck the President in the back of his neck, exited through the front of his throat, and then struck the governor, whose reaction to being wounded was delayed. The bullet passed into the governor's back, shattering his fifth rib into multiple fragments, exited through his chest, and passed through his right wrist, smashing the wristbone, struck his thighbone and lodged in his left thigh. The bullet that did all this, Exhibit 399, is an almost pure, pristine, undamaged bullet. If you look at its photograph in the Warren Report, you'll see that it isn't even dented!

PLAYBOY: You mean this bullet made seven wounds in two men, breaking three different bones, and wasn't materially damaged in the process?

LANE: I don't mean it—the Warren Commission means it! I think the suggestion is preposterous—and so did several of the doctors who examined Connally and his X rays at Parkland and Bethesda.

PLAYBOY: Isn't it barely possible that a bullet could do everything the Commission says this one did and yet emerge unscathed?

LANE: Not even barely, I'm afraid. The Commission's own experts fired other bullets from the Carcano into a variety of substances, and in each case the bullet came out deformed. And the Commission *never* tried to have one bullet do everything that they claim number 399 did. One Commission expert, Dr. Alfred G. Olivier, a veterinarian, fired a bullet through a gelatin block supposedly representing the President's neck. He wasn't asked about the condition of the bullet when it emerged. He also fired a bullet through the carcass of a goat, supposedly simulating Governor Connally's back and chest. That bullet was "quite flattened," he testified. Then he fired a bullet into the wrist of a corpse, and testified with pride that he had created a fracture in the cadaver almost identical with the fracture suffered by Governor Connally. He also testified, however, that the spent bullet from the cadaver was not like number 399 at all. He said, "Commission Exhibit 399 is not flattened on the end. This one is very severely flattened on the end."

PLAYBOY: Did the bullet fragments found in the governor's wrist, rib and thigh match Exhibit 399?

LANE: Of course not. How do you put a jigsaw puzzle together if someone throws in a few extra pieces? Dr. Shaw, who examined Connally, testified that there seemed to be more than three grains of metal from the bullet lodged in the governor's wrist wound, and still more fragments were found in his thighbone. But according to FBI tests, less than three grains of metal all told are missing from Exhibit 399. *Time* magazine, on September 16, 1966, summed it up this way: "The bullet offered sufficient grounds to make the single-bullet theory suspect. . . . Medical men testified that it could not have done so much damage to Connally and emerged in such good shape."

PLAYBOY: The bullet in question, according to the Warren Report, was found on Governor Connally's stretcher at Parkland Hospital. If it didn't fall out of his body, where did it come from?

LANE: Who knows? First of all, the Warren Commission artfully distorted the testimony of the senior engineer at the hospital, Darrell C. Tomlinson, to conclude that the bullet was in fact discovered on Connally's stretcher. However, if you read Tomlinson's testimony for yourself, you'll find all he would ever say was that he saw it roll from *a* stretcher that was left in the hospital corridor. He didn't know if it was Governor Connally's stretcher, President Kennedy's stretcher

or even the stretcher of some totally unrelated patient. Remember, many people had access to the hospital that day; even Jack Ruby was there, according to two reliable witnesses, including Scripps-Howard newsman Seth Kantor, who testified that he talked to Ruby there. The Commission, of course, disregarded his testimony.

PLAYBOY: Do you think Ruby—or someone else—planted this bullet on the stretcher to incriminate Oswald?

LANE: That certainly is a possibility that should be examined, since it would account for a lot of baffling things about Exhibit 399—including the pristine condition of the bullet after supposedly smashing the bodies and bones of two men.

PLAYBOY: Couldn't there be a more innocent explanation for the contradictions surrounding this bullet than that it was deliberately planted as part of a conspiracy to frame Oswald?

LANE: Perhaps. But none seems apparent. The more I've studied the whole question of Exhibit 399, the more fantastic it becomes. For example, two declassified FBI autopsy reports, dated December 9, 1963, and January 13, 1964, were recently discovered in the National Archives in Washington. They state flatly that the bullet in question entered President Kennedy's *back*—not his neck, mind you, as the Commission claims—and did *not* continue through his body. The FBI agents who attended the autopsy reported that Commander Humes said then—whatever he may have since claimed to the contrary—that there was "no point of exit"; that the bullet penetrated the President's back a very short distance. The two FBI agents, James W. Sibert and Francis X. O'Neill, who were present during the autopsy at Bethesda Naval Hospital, said that Dr. Humes probed the back wound with his finger and determined that the bullet had traveled "a short distance, inasmuch as the end of the opening could be felt with the finger." Since no bullet was in the President's back and "there was no point of exit," the agents said Humes was puzzled as to the whereabouts of the bullet. After being informed that a bullet was "found on a stretcher" at Parkland Hospital—presumably the President's stretcher—and that the President had been subjected to external cardiac massage there, "Dr. Humes stated that the pattern was clear that the one bullet had entered the President's back and had worked its way out of the body during external cardiac massage." This explanation appears to be corroborated by Colonel Finck, another physician present at the autopsy, who was quoted by Secret Service agent Roy Kellerman, also present during the autopsy, as having said, "There are no lanes for an outlet of this entry in this man's shoulder." Perhaps this explains why Commander Humes

decided to burn his original notes after the Commission's theory contradicted what he had written down. Not only is this a further indication that the autopsy records were tampered with before publication in the Warren Report but it also rebuts the Commission's fantasy about Exhibit 399 hitting both President Kennedy and Governor Connally. In addition, Governor Connally himself said on a CBS television show on September 27, 1964: "I understand there is some question in the minds of the experts about whether or not we could both have been hit by the same bullet . . . the first bullet. I just don't happen to believe that. I won't believe it, never will believe it, because, again, I heard the first shot, I recognized it for what I thought it was. I had time to turn to try to see what had happened. I was in the process of turning again before I felt the impact of a bullet." Mrs. Connally, who was seated next to the governor, also swears President Kennedy was hit before her husband and by a separate bullet. The Warren Commission chose to ignore their testimony —and if they weren't dealing with the governor of Texas, the Commission would probably have impeached Connally's integrity, as they did with less prominent nonconforming witnesses.

And here's something I just found out: I recently spent several hours in the studios of WNEW-TV here in Manhattan, searching for footage for a documentary program, and in their library I found what may be the sole remaining video tape of the press conference held in Dallas' Parkland Hospital on the afternoon of the assassination. This particular film was taped by Station WFAA-TV in Dallas, an ABC affiliate. WFAA and all the other local stations were visited after the assassination by FBI and Secret Service agents and asked to surrender all their tapes of the hospital news conference. But this film segment was flown to New York soon after the assassination and gathered dust in WNEW's files for three years, apparently without the FBI being aware of its existence. The film shows Dr. Robert Shaw, one of the physicians attending Governor Connally, speaking to the press at 4:30 P.M. on November 22. After Dr. Shaw described the governor's wounds, he said the bullet that caused the governor's wounds remained at that time in Connally's thigh. This is two and a half hours after Exhibit 399—the bullet that the Commission claims caused all the governor's wounds, including the thigh wound—was found by Darrell Tomlinson. So if anything else was needed to discredit Exhibit 399, here it is. If there was a bullet in the governor's thigh two and a half hours *after* Exhibit 399 was so conveniently found near the stretcher, where is it now?

PLAYBOY: For that matter, where is the bullet that you quoted the FBI as saying entered the President's back and did not exit?

LANE: As I indicated a moment ago, that may be Exhibit 399.

PLAYBOY: There seems to be some confusion about the number of bullets fired. Would you go over them one at a time?

LANE: The Commission concluded that three bullets were fired, with two hits. They say one struck the back of the President's neck, exited from his throat and then passed on into Governor Connally. Another shot missed. Another bullet—the fatal one—then struck the President in the head. But shooting from the Depository window, Oswald simply wouldn't have been able to aim and fire three shots at a moving target in the time he had to shoot. Other evidence further rebuts the Commission's sequence. Roy Kellerman, the Secret Service agent riding in the Presidential limousine, testified that right after the first shot, he distinctly heard the President say, "My God, I am hit!" Although subjected to intense cross-examination, Kellerman insisted this is what the President said. Now when could Kennedy have said this in the sequence offered us by the Commission? Surely not *before* he was hit. Surely not after a bullet ripped through his throat, severely damaging his vocal cords. Surely not after the fatal shot drove a portion of his skull into the street. So the Commission's review of events does not accommodate the President's verbal reaction to the first shot. It also contravenes the testimony of Governor and Mrs. Connally about the first shot, and the report on the autopsy by the two FBI agents, Sibert and O'Neill, who reported, you will recall, that one bullet had entered "a finger's length" into the President's *back* and lodged there.

A more plausible sequence, which—unlike the Warren Commission's version —conflicts with none of the above evidence, is this: The first bullet struck the President in the back, causing the nonfatal, nonpenetrating "finger's length" wound to which Sibert and O'Neill testified in their FBI report. This wound was not in the back of the neck, but below the President's shoulder, corresponding exactly to the holes in the back of his shirt and jacket. I don't see how a bullet could have entered the back of his neck and made a hole in the back of his shirt and jacket more than five inches below the top of his collar. In any case, after this first, nonlethal bullet struck, the President exclaimed, "My God, I am hit!" Another bullet—let's call it Bullet Number Two, even though it may not be the second in the sequence—was fired from the knoll in front of the car, striking the President in the throat and causing the entrance wound to which the doctors at Parkland Hospital referred in their statements to the press on the day of the assassination. A third bullet, evidently from behind, struck Governor Connally. A fourth bullet missed the limousine and its occupants, striking the curb and leaving behind lead traces later discovered by the FBI. This bullet shattered into fragments when it hit the curb, and one of the fragments—or perhaps a piece of concrete—struck a spectator, James Tague, wounding him superficially in the face. A fifth bullet then struck the President in the head, killing him. This bullet must also have been fired from in front of the car, from the direction of the grassy knoll, because the Zapruder frames—when arranged in the sequence in which they were taken —show the President driven *back* into his seat with considerable force under the impact of the bullet. That could not have happened if the bullet had been fired from behind the limousine. And as I mentioned earlier, a portion of the President's skull was driven back to the left and rear, landing in the street behind the car; if the shot had come from the rear, that skull fragment would have to have been driven *forward*. So, all told, we have five shots fired—not including the one that may have hit the traffic sign —four of them hitting either the President or Governor Connally, and at least two of them, or possibly three, fired from in front of the Presidential limousine.

PLAYBOY: Didn't the Commission consider this sequence?

LANE: Possibly they considered it, but they certainly couldn't accept it, because they must have seen at least two things wrong with it from their standpoint. First of all, five shots could not all be fired by the same man in the available time, and that would dispose of the Commission's single-assassin theory. Secondly, shots came from both the front *and* the rear of the car, and this would also have canceled out the possibility of a single assassin. In order not to contradict its theory, the Warren Commission ignored the evidence and invented its own convenient three-bullet sequence. Yet it flows from the evidence that there were, in fact, five shots.

PLAYBOY: What about the rifle from which the Commission claims all the shots were fired? You indicate in your book that Oswald's Mannlicher-Carcano couldn't have been the sole weapon involved in the assassination. Why?

LANE: For the simple reason that the rifle just couldn't have done what the Warren Commission said it did. It was an old, inaccurate weapon.

PLAYBOY: The Commission concluded that "various tests showed that the Mannlicher-Carcano was an accurate rifle and that the use of a four-power scope was a substantial aid to rapid, accurate firing . . ." Do you challenge these tests?

LANE: I don't challenge the tests; I rely upon them. I challenge the conclusion the Warren Commission draws from them. The rifle tests prove the Mannlicher-Carcano could not have fired the shots.

PLAYBOY: How?

LANE: Let's begin at the beginning. The Commission says, as you just quoted, that a telescopic sight is an aid to rapid, accurate firing. As far as rapidity is concerned—and this is the critical factor—that's nonsense. Any rifleman knows it requires more time to fire with the aid of a telescopic sight than with an ordinary iron sight. The Commission also states that the Mannlicher-Carcano was an accurate rifle. Nonsense again. Rifle experts and rifle manuals and encyclopedias agree that this Italian carbine is an extremely poor, cheap and inaccurate weapon. The price alone is an indication. Oswald was supposed to have bought it from a Chicago mail-order house for $12.78, plus $7.13 for a scope. In fact, that surplus Italian carbine presently sells for $3 if you buy it in lots of 25 or more. I don't have to tell PLAYBOY readers how much a good, accurate rifle with a scope costs; you can't get one for less than $60.

PLAYBOY: You wrote in your book that Oswald's ammunition was almost 20 years old, implying it was defective. Was it?

LANE: Let *me* quote from the Warren Commission this time. The Report states flatly that the ammunition for the rifle is currently being manufactured by the Olin-Mathieson Company. In other words, the bullets could have been in brand-new, tiptop shape. Being a suspicious type, one of my investigators wrote to Olin-Mathieson, and learned that the 6.5-mm Mannlicher-Carcano cartridge has not been manufactured since 1944. Since the Commission could discover no other sources for this bullet, and since the powder in a bullet deteriorates in time, we must conclude, as Olin-Mathieson did, that "the reliability of such ammunition would be questionable today."

PLAYBOY: Let's accept your argument that the rifle was poor and the ammunition antiquated. Couldn't Oswald still have managed to deliver three lucky shots?

LANE: It's mathematically possible. If I leaned out of this window and squeezed off three shots with my eyes closed, it's mathematically possible that I could bring down a helicopter heading for the Pan Am Building. All I'm saying is it's not true, as the Commission states, that Oswald had everything going for him that day, from an "accurate" rifle to fresh ammunition. Any man using that rifle, and firing at a moving target with a telescopic sight from a sixth-floor window, was operating under a terrible handicap. And the facts show that five shots or more were fired. Since it takes 2.3 seconds just to work the bolt of the Mannlicher-Carcano—according to the testimony of FBI rifle expert Ronald Simmons—that is not mathematically possible in the 5.6 seconds that the Commission concedes is the maximum time Oswald would have had to fire from the

Book Depository window.

PLAYBOY: Even if Oswald had poor equipment to shoot with, didn't the Commission conclude he was an excellent shot?

LANE: That conclusion is on a level with the rest of their findings. The fact is that Oswald was a relatively poor shot. If you look at Oswald's last rifle score in the Marine Corps—also the last time there's proof he ever fired a rifle—you'll find he scored only one point above the lowest Marine qualification. One of his buddies in the Marines, Nelson Delgado, told me that Oswald was such a poor shot he was the laughingstock of the squad, because when Oswald fired, "Maggie's drawers" often popped up. Maggie's drawers is a red flag waved whenever a bullet completely misses the target. And Delgado adds, incidentally, that when he told this to FBI agents, they argued with him for three hours, trying to browbeat him into changing his testimony, to state that Oswald was a good shot. Lawyers call this an attempt at subornation of perjury. The Commission also indicated that bad atmospheric conditions at the time of the test could have accounted for Oswald's bad showing; in the Report you'll find the explanation that "It might well have been a bad day for firing the rifle—windy, rainy, dark." Well, I've been a lawyer long enough to know that whenever weather is a factor in a legal proceeding, all you have to do is subpoena the records of the U.S. Weather Bureau for the day in question. So *I* called the Weather Bureau and they said that the weather in the Los Angeles area for the day of Oswald's Marine Corps rifle test was not "windy, rainy, dark." It was sunny, bright and cloudless, with a temperature ranging between 72 and 79 degrees. Before indulging in speculation, the Warren Commission should have contacted the Weather Bureau. Perhaps they did—and ignored the information when it proved inconvenient for their thesis that their marksman, Oswald, had done poorly on his rifle test only because of poor weather conditions. While this is a relatively minor point, it indicates how the Commission operated.

PLAYBOY: But after having Oswald's weapon tested, the Commission concluded that he had "the capability to fire three shots, with two hits, within 4.8 and 5.6 seconds."

LANE: Yes, they did say that. To test Oswald's expertise, the Commission asked three Masters of the National Rifle Association—three of the best riflemen the Commission could find—to duplicate Oswald's feat. Let's see what happened. First of all, the three experts found they could not even aim the rifle correctly, because the telescopic sight was improperly aligned; it also wobbled, because it was poorly attached.

PLAYBOY: Couldn't the sight have been loosened or damaged *after* the assassination?

LANE: Perhaps. At any rate, the Commission was gracious enough to permit a gunsmith to reset the scope by welding two or three metal shims to the rifle before the N.R.A. riflemen undertook the test. Also, Oswald had allegedly fired from 60 feet above the ground—but the Commission's experts were allowed to fire from a perch 30 feet above the ground. Oswald allegedly fired at a moving target—but the experts were told to fire at stationary targets. When Oswald allegedly fired from the sixth-floor window of the Book Depository, he could see only the head and shoulders of the President—but the experts were provided with large body silhouettes for targets. According to the Commission, the most difficult shot for Oswald was the first one, because the President was seen reacting to the wound only eight tenths of a second after he would have become visible to Oswald, the car having just passed from behind a large tree. So that's the shot that required the greatest skill—but the expert marksmen were told to take all the time they wanted for the first shot. Well, these three master riflemen shot a total of 18 rounds, and firing from half the height, at large, stationary targets with a resighted rifle, spending many seconds lining up on the target for the first shot, not one of them was able to hit the head or neck area of the target with *any* of the 18 bullets. What conclusion did the Warren Commission draw from all of this? That Oswald could easily have done what three of the top marksmen in the country, under infinitely better circumstances, could not do.

PLAYBOY: Still, weren't Oswald's fingerprints and palmprints found on the Mannlicher-Carcano?

LANE: Oswald's fingerprints were *not* found on the Mannlicher-Carcano, but one of the cornerstones of the early case against him was a charge by the Dallas police that Oswald's *palmprint* was found on the rifle. After this charge was made, the supervisor of the FBI latent fingerprint section, Sebastian F. Latona, examined the weapon carefully, using the most modern techniques available, highlighting it, side-lighting it, etc. He said he could find no trace of Oswald's palmprint anywhere on the rifle, and that even if Oswald *had* used the rifle, it would be difficult to determine if prints were there, since it was constructed of such poor wood and metal that they might not register. The Dallas police then explained that Oswald's palmprint had previously been on the rifle, but was "lost" in the process of "lifting" it from the rifle. That is, the lifted print remained in the Dallas police station while the rifle was sent to Washington.

PLAYBOY: Where is the "lifted" print now?

LANE: I imagine it's still in Dallas. At one time it was shown to Latona, who testified that he saw it—but not on the rifle, of course. Yet the Warren Commission ignored Latona's expert testimony about the rifle not showing any traces of a print, and accepted the word of the Dallas police, declaring unequivocally that Oswald's palmprint had been on the rifle. But even if the rifle did belong to Oswald, there was no reason why either his palmprint or fingerprints, or both, shouldn't be on it. The question is: Was that rifle used to fire at President Kennedy, and was Oswald the man who fired it? Merely establishing ownership of a weapon does not constitute proof of guilt, particularly since one interpretation of the body of evidence would indicate that there was an attempt to frame Oswald well in advance of November 22. And there is good evidence that not only was Oswald's Mannlicher-Carcano *not* the murder weapon but that a totally different rifle was discovered in the Book Depository. The weapon originally found on the sixth floor was firmly and repeatedly identified at first as a 7.65 German Mauser, and not a 6.5 Italian Carcano.

PLAYBOY: The Commission explained that the rifle "was initially identified as a Mauser 7.65 . . . because a deputy constable who was one of the first to see it thought it looked like a Mauser. He neither handled the weapon nor saw it at close range."

LANE: The Commission didn't explain it; they explained it away. The deputy constable they refer to is Deputy Constable Seymour Weitzman, the first officer to see the weapon on November 22. The Commission says he neither handled the weapon nor saw it at close range, but in the appendix to my book you'll find an affidavit signed by Weitzman on November 23 giving a detailed description of the weapon as a "7.65 Mauser bolt action equipped with a 4/18 scope, a thick leather brownish-black sling on it." Weitzman also described the rifle as "gun metal color . . . blue metal . . ." and said that "the rear portion of the bolt was visibly worn . . ." Does this sound like the description of a man who had "neither handled the weapon nor seen it at close range"? In the event you assume that Deputy Constable Weitzman was not too bright, that perhaps he wasn't up on rifles or made a mistake, let me point out that Weitzman was a graduate engineer who before becoming a Dallas police officer had owned a sporting-goods shop where he sold rifles. And Weitzman isn't the only one who identified the weapon as a German Mauser. Two other Dallas police officers were present when the gun was found, and they both described it as a 7.65 Mauser.

According to one of them, so did the chief of Dallas homicide, Captain Will Fritz, who, by his own admission, picked up the weapon and ejected a live round from it. The police, Fritz and the Dallas district attorney told the press all day November 22 and well into the next day that the rifle found on the sixth floor of the Book Depository was a bolt-action Mauser. It was only late on November 23 that the story abruptly changed, and by some feat of legerdemain, the murder weapon became a 6.5 Italian Mannlicher-Carcano that belonged to Oswald. By that time, of course, the Dallas police had time to carefully search Oswald's home.

PLAYBOY: Are you saying that the Dallas police switched the Mauser for the Mannlicher-Carcano in order to frame Oswald?

LANE: I'm simply suggesting it's a possibility that should be investigated. For example, when Marina Oswald first heard the news of her husband's arrest, she rushed to the garage to check on the rifle and later testified that she thought she saw it there resting on a shelf. Then the Dallas police arrived and "later it turned out that the rifle was not there [and] I didn't know what to think." Neither do I. The Dallas police quickly explained that Marina had not really seen the Mannlicher-Carcano on the garage shelf; she had only seen a rolled-up blanket and mistaken it for the rifle. Of course, the Warren Commission wholeheartedly endorsed that explanation. The Italian carbine, which could be traced to Oswald—to the Commission's satisfaction, at least—was accepted as the murder weapon, and we heard no more about the 7.65 German Mauser.

PLAYBOY: Again, you seem to be looking for a conspiracy. Isn't it possible that in the chaos following the assassination, the rifle could have been mistakenly identified?

LANE: Yes, it's possible, but if that were the case, and the Commission sincerely desired to resolve the discrepancy, all they had to do was ask Deputy Constable Weitzman to examine the rifle and tell them whether or not it was the weapon he discovered in the Book Depository. But when Weitzman appeared, he was never shown the rifle. Consider this a moment—the policeman who first discovered the weapon that allegedly killed the President of the United States is not even asked to identify this weapon by the Presidential Commission investigating the assassination. Anyway, when I testified before the Commission, I *did* demand to see the weapon, and after some procrastination, the Commission allowed me to examine it. Now, I'm not a rifle expert or a policeman, but I was able to take one look at that weapon and unhesitatingly identify it as a 6.5 Italian rifle, not a 7.65 German Mauser.

Because etched clearly on the stock of the gun were the manufacturer's words, "MADE ITALY" and "CAL. 6.5."

PLAYBOY: So you believe the weapon originally found was a German Mauser and was later switched to an Italian carbine that would incriminate Oswald?

LANE: I'm not certain. But I think it's a more plausible explanation than that all those Dallas police officers examined a rifle that had "MADE ITALY" stamped on it and then mistakenly told the world it was a German Mauser. Remember, the Mauser description lasted for a full day, and it was only after it was decided that Oswald owned an Italian carbine that the story changed.

PLAYBOY: You've said why you don't believe that the Mannlicher-Carcano could have fired the shots in the required amount of time. Assuming these initial reports of a Mauser discovered on the sixth floor of the Depository are correct, could this gun have done the job?

LANE: Rifle experts agree that a Mauser is certainly a far more accurate weapon than the antique the Commission placed in Oswald's hands; in fact, almost *any* rifle is better than the Mannlicher-Carcano. But the main point, the crucial point, is the number of shots and their different points of origin. I'm not a rifle expert, but I don't believe any rifle —unless it's a remarkably advanced one —could simultaneously inflict wounds from opposite directions.

PLAYBOY: If, as you claim, there's no evidence confirming that Oswald was capable of committing the crime even with an accurate weapon, is there any evidence indicating that he was even involved in the assassination?

LANE: Well, the Warren Commission certainly produced a lot of it. I'm just saying it's not very convincing.

PLAYBOY: If Oswald wasn't involved, as you seem to feel is the case, then why did he leave the Depository and, according to the Commission, kill Tippit?

LANE: It's very difficult to find out exactly *what* Oswald did after the President was shot. You can hardly turn to the Warren Commission as a source of unerring, accurate information on this or any other subject, and Oswald himself was shot dead before he was able to make any public statement other than that he was innocent.

PLAYBOY: But the Commission did reconstruct his movements.

LANE: Yes, they did, but their reconstruction is doubtful at best. Don't take my word for it; read *Time*. In its essay of September 16, 1966, *Time* wrote: "In trying to reconstruct Oswald's flight from the sniper's nest in the Book Depository Building, the Commission allowed for a near-miraculous series of coincidences and split-second timing." What the Commission says is that in the 43 minutes between the President's assassination and the first report of Tippit's murder, Oswald raced down six flights of stairs, ran out of the Book Depository, walked seven blocks to a bus stop, got on a bus, got off after a few stops, hailed a taxicab, left the taxi, walked back four blocks to his rooming house, changed his clothes and then walked nine tenths of a mile to the spot where he was supposed to have shot Tippit. Let's just stop and examine one point in this reconstruction—a vital one in determining whether or not Oswald really shot at Kennedy from the Depository. The Commission says it took Oswald one minute and 20 seconds to get from the sixth floor of the building to the second-floor cafeteria. However, Roy Truly, an executive of the Book Depository, said in an early television interview that when the shots were fired he was standing in front of the building, and he immediately raced inside with a Dallas police officer and ran up the stairs to the second floor; according to him, this took only a matter of seconds. On the second floor both Truly and the policeman saw Oswald in the employee's cafeteria near a Coke machine. Remember, according to the Commission's own calculation, it took Oswald one minute and 20 seconds to get to the second floor. It would seem mathematically impossible for Oswald to fire a rifle from the sixth-floor window, hide the weapon and race four flights down to the lunchroom, all in the time it took Truly and the officer to run up one flight and confront him. How did the Warren Commission resolve this discrepancy in their time reconstruction? They did what they've done so many times before with other witnesses: They simply ignored Truly's original statement.

PLAYBOY: Did Truly subsequently change his story?

LANE: Yes, he later conformed to the Commission's version.

PLAYBOY: Why did Truly and the policeman rush into the building in the first place—unless they had heard shots coming from it?

LANE: Truly testified that he thought the shots came from the area of the railroad tracks or the grassy knoll. He said he ran into the Depository with the officer because he assumed the policeman wanted a rooftop view of this area. The policeman did go on up to the roof from the cafeteria.

Another interesting aspect of this question is the testimony of Vicki Adams, who worked for a publishing firm in the Depository. She was on the fourth floor when the shots were fired, and ran into the hallway and down the stairs at the very time that Oswald was supposed to be running down the stairs. He wasn't there, she testified.

PLAYBOY: What do you think Oswald actually did after he left the Depository?

LANE: As I said, his movements after the assassination are still shrouded in mystery. The Commission's reconstruction is a rather bad guess, I think. The sole witness who offered credible testimony about the schedule outlined by the Commission was Earlene Roberts, housekeeper of the rooming house where Oswald was staying. Mrs. Roberts is now dead. She testified that Oswald entered the house about one P.M., and immediately afterward a police car pulled up in front of the door, tooted its horn twice and drove off. Oswald then left the rooming house and a few minutes later allegedly shot Patrolman Tippit, who happened to have stopped his squad car almost a mile away.

PLAYBOY: Do you think the police-car horn was some kind of signal for Oswald?

LANE: I don't know. But this is another aspect of the case that deserved thorough investigation—and never got it.

PLAYBOY: Why did Patrolman Tippit stop Oswald in the first place?

LANE: We don't know that Tippit stopped Oswald; all we know is that Tippit stopped a man who then shot him. The Commission contradicts itself on this. At one point the Report states that the wanted bulletin on Oswald was not sent out until *after* he killed Tippit, based on eyewitness identification of Oswald as the killer. So Tippit certainly couldn't have stopped Oswald on the basis of a police radio all-points bulletin on Tippit's own murder. But the Commission also quotes a Dallas police officer who claimed that a roll call of Book Depository employees was taken right after the assassination and that Oswald was the only one missing, at which point a call for his arrest was broadcast over the police radio, and Tippit stopped him. But then it turned out—according to subsequent testimony—that there never was any such roll call, and that a number of employees left the Depository immediately after the assassination. Actually, however, there is evidence that a wanted bulletin for Oswald *was* transmitted—only 15 minutes after the assassination—well before Tippit was shot, and therefore well before any evidence could have linked Oswald to the assassination; on what information it was based we still don't know. One of the Commission's most perplexing moments must have come when it had to explain why the police wanted Oswald 15 minutes after the shots were fired—at a time, to quote Professor Trevor-Roper, when there was "no available evidence pointing toward him." On this crucial question the Commission could only speculate. They rely once again on our old friend Howard Brennan, their "star witness," to the effect that it was Oswald he had seen firing a rifle from the sixth-floor window of the Depository. "Most probably," the Commission concludes,

Brennan was the source for the premature Dallas police radio description broadcast at 12:45 P.M. Yet Brennan himself stated he gave his first description of the man in the window to a Secret Service agent who arrived on the scene at approximately one P.M.—15 minutes too late to explain the all-points bulletin describing Oswald. And so we are left with the Commission's "most probably" assumption that the bulletin was based on Brennan's identification—which, when confronted with the evidence, doesn't seem very probable at all.

PLAYBOY: Why do you challenge the eyewitness evidence that Oswald shot Officer Tippit?

LANE: It's not the witnesses' original statements I challenge. It is the Commission's *use* of them that is so disquieting. The eyewitness evidence shows that Oswald did *not* shoot Tippit.

PLAYBOY: What evidence?

LANE: Well, there were three witnesses to Tippit's murder close enough to identify the murderer. The Commission sought to obscure this fact by writing that "at least 12 persons saw the man with the revolver in the vicinity of the Tippit crime scene at or immediately after the shooting," but it was able to present the testimony of only two who said they had seen the shooting. The others saw a man fleeing from the scene or from the general neighborhood. Their efforts to identify a fleeing man, whom they had never seen before and had seen just briefly then, are to be weighed with caution. This is particularly so in view of the nature of the police line-ups conducted by the Dallas police. At least one witness said that he *could* pick Oswald out of the line-up—since he was loudly protesting his placement in the line-up with a group of teenagers. In addition, witnesses said that they signed the affidavit identifying Oswald as the culprit from the line-up even *before* they were taken to the line-up. The Commissioners said only that they were satisfied with the line-up—leading one to believe that they were too easily contented. Of the eyewitnesses to the actual murder, however, one was a Mexican-American mechanic named Domingo Benavides, who was parked in a pickup truck only 15 feet from the murder scene. Benavides told me that on November 22 he told the Dallas police that the man who killed Officer Tippit was short and somewhat heavy. After Benavides gave this description of the killer, the police evidently decided there was no use bringing him down to the line-up to view Lee Harvey Oswald, who was extremely thin and above middle height. The second witness was Mrs. Acquilla Clemons, an Oak Cliff housewife, who told me in a filmed interview that she heard shots, then ran out of her house and saw a man with a pistol in his hand standing over Patrolman Tippit's body. She described the man as short and heavy. Mrs. Clemons further said that this man with the pistol then waved to another man across the street and the two men ran off in opposite directions. Mrs. Clemons said neither man was Lee Harvey Oswald. The Commission never called her to testify, and she was never questioned by the Commission lawyers. Now the third witness, Mrs. Helen Louise Markham, became the Warren Commission's star witness in this aspect of the case, because she eventually identified Oswald as the murderer. The only problem is that on November 22 Mrs. Markham gave a statement to the police—which the press picked up—that the man who shot Tippit was short, heavy and had bushy hair. Lee Oswald had thin and receding hair. After Mrs. Markham had changed this initial identification and told the Commission that Oswald was the murderer, I phoned her in Dallas and tape-recorded our conversation. She repeated her original description to me, reiterating that Tippit's murderer was short, on the heavy side—but not too heavy—with somewhat bushy hair.

PLAYBOY: This tape recording of your conversation with Mrs. Markham caused quite a furor during the Commission proceedings. At one point, after you refused to hand over the tape, Earl Warren said, "We have every reason to doubt the truthfulness of what you have heretofore told us." Why didn't you want to give the tape to the Commission?

LANE: That remark you quoted is just one of the many excessive statements made by the Chief Justice during the hearings. First of all, since the recording of my conversation with Mrs. Markham was made without her knowledge and consent, for me to make and divulge such a recording voluntarily would constitute a Federal crime. If the Commission *ordered* me to surrender the tape, however, I would no longer be liable to prosecution, since the responsibility for divulging the contents would then be theirs. I really wanted them to have it, because Mrs. Markham was then denying she had ever talked to me. But the Chief Justice refused to direct me to hand it over, and then he told the press that *I* had refused to give the Commission the tape. This unfair accusation was widely printed, deftly conveying the impression that I did not really possess such a tape. I returned to my office to think the whole thing over and decided that even though I could be sent to jail for voluntarily handing over the tape, a case such as this justified the risk. So I *did* give the tape to the Commission, and they subsequently published a transcript of it as an exhibit. When Mrs. Markham was confronted with the recording, she broke down and admitted that she *had* talked to me. So here we have the Commission's star witness admitting she gave me a description of Tippit's murderer that could not have fitted Oswald—and thereby also indicated that she had apparently committed perjury in her previous testimony. And what did the Commission do about this? It chose to believe that Mrs. Markham *had* really seen Lee Oswald shoot Tippit. She is the sole eyewitness support for the Commission's allegation that Oswald killed Patrolman Tippit. Somewhere a short, stocky murderer with bushy hair may be walking our streets.

PLAYBOY: Why do you think Mrs. Markham changed her initial identification of the killer?

LANE: You should ask *her* that. I don't wish to be hostile to the poor woman. As she told me, she had been ordered by the FBI, the Secret Service and the Dallas police not to discuss the case at all. Her son told the FBI that she "had lied on many occasions, even to members of her immediate family." He said that she was frightened to death of what would happen if she *didn't* testify that Oswald was the killer. And if you'll look at the Commission proceedings, you'll find that after Mrs. Markham finally admitted she had repeated her initial non-Oswald description of Tippit's murderer to me, she asked the Commission lawyer anxiously, "Will I get in any trouble over this?" and he reassured her that she wouldn't. The Commission's lawyer was simply conveying the idea that if you commit perjury on the side of the Warren Commission, you'll be protected. If Mrs. Markham had told the *truth*, she'd have a very good reason to worry.

PLAYBOY: What do you mean?

LANE: To live in Dallas and contradict the official version of the assassination can prove to be an invitation to violence. For example, shortly after our investigators visited the Markham home, Mrs. Markham's son was arrested for car theft, and, according to the Dallas police, he "fell" from a third-floor window "while trying to escape." Fortunately, he survived. Mrs. Acquilla Clemons, to whom I referred a few minutes ago—another witness who said Tippit's murderer was not Oswald—was threatened. Mrs. Clemons told me in a filmed and tape-recorded interview that she was visited by a man she believed to be a plain-clothes policeman, who wore a gun in a holster at his waist. According to Mrs. Clemons, "He just told me it'd be best if I didn't say anything because I might get hurt." Mrs. Clemons said the man intimated she could easily be killed on her way to work.

PLAYBOY: Your book skips abruptly from the Tippit shooting to Oswald's arrival at the Dallas jail. Why did you leave out details of Oswald's arrest in the Texas Theater—such as his statement to arresting officers: "Well, it's all over now"?

LANE: The press reported, on the basis of information supplied by the Dallas

police, that Oswald said: "Well, it's all over now," when he was arrested. But no witness in the theater ever testified that he made that remark. And even the police seemed confused on the point; one Dallas officer said his actual words were, "This is it." Either way, this hardly constitutes an admission that he had assassinated the President and shot Officer Tippit.

PLAYBOY: What actually happened at the theater?

LANE: The circumstances of Oswald's arrest are still a bit cloudy. Most of the witnesses can't remember Oswald saying anything at all, except protesting "police brutality" and charging he had been struck with a shotgun and beaten by several police officers simultaneously. But as far as I'm concerned, there is no convincing proof that Oswald was anything other than a *spectator* at the President's assassination—and unless it can be proved he was more than that, nothing he would say at his arrest is relevant to the case. Of course, it would be a different story if Oswald had admitted guilt during his arrest—but he never did, then or later.

PLAYBOY: Didn't Oswald pull a gun on the arresting officers in the theater?

LANE: A Dallas police officer *said* he did.

PLAYBOY: You say you believe there is no convincing proof that Oswald was more than a spectator to the assassination. Does this mean you think he was completely innocent, or could he have been involved in some subsidiary role in a conspiracy?

LANE: Let me put it this way: I am convinced that Oswald never pulled the trigger of the rifle that killed President Kennedy. If Oswald were alive, there would be many questions I'd like to ask him. For example, there is a vast amount of evidence suggesting that a man looking very much like Oswald, and using his name and background, was involved in a series of bizarre activities calculated to draw attention to the fact that Oswald intended to kill the President. This other Oswald was seen at times when the real Oswald was provably somewhere else—at work or even out of the country. This "Oswald" practiced at rifle ranges in and around Dallas and Irving, Texas, making a spectacle of himself by shooting at other people's targets; he talked of the assassination two months before it occurred; he bragged to automobile salesmen that he was soon coming into large sums of money; and he spoke of going back to Russia. In short, he engaged in the kind of odd conduct that would only make sense if there were a deliberate, premeditated attempt to frame Oswald by incriminating him in advance for the President's murder.

PLAYBOY: What does the Warren Commission say about all this?

LANE: In each case, the Commission concludes that this man could not have been the real Lee Harvey Oswald. One example of this is the testimony of Mrs. Sylvia Odio, a prominent anti-Castro Cuban exile. She told the Commission that toward the end of September 1963 a man visited her in Dallas accompanied by two other men who were either Cuban or Mexican, and who knew things about her father, then imprisoned by Castro. The men seemed to know things that no one without inside information could know, she testified. They introduced their companion to her as "Leon Oswald," and later one of them said he was a former Marine and expert rifleman. One of the men told her Oswald had said, "President Kennedy should have been assassinated after the Bay of Pigs . . . it is so easy to do it." The two men suggested to Mrs. Odio that Oswald could "help in the underground activities" against Castro. Commission counsel showed Mrs. Odio photographs and motion pictures of Oswald and asked her if she had "any doubts" in her mind "after looking at these pictures that the man that was in your apartment was the same man as Lee Harvey Oswald." Mrs. Odio replied: "I don't have any doubts." Mrs. Odio's sister also testified the man looked exactly like Oswald. But the Commission showed conclusively that Oswald was not in Dallas when Mrs. Odio was visited by the three men. So who was "Leon Oswald"—and why was he talking about how easy it would be to assassinate the President? It appears possible that there may have been a concerted attempt to frame Oswald in advance for the murder of President Kennedy. The Commission, of course, never even examined such a possibility, and simply brushed aside all evidence pertaining to this "other" Oswald.

PLAYBOY: Did Oswald's interrogation shed any light on his Cuban connections?

LANE: Perhaps, but we may never know what Oswald said. Although he was interrogated by agents of the FBI, the Secret Service and the Dallas police for over 12 hours, the Commission says no stenographic notes or tape recordings were made. Dallas Homicide Chief Will Fritz admitted he had made some rough notes—but tore them up after Oswald's murder! Just think about that: Here is the most important prisoner on the face of the earth, and the Commission would have us believe that his interrogation was not recorded by the FBI, the Secret Service or the Dallas police. But a Dallas newspaperman, Hugh Aynesworth, stated publicly that he saw a police stenographer enter the room where Oswald was being questioned. It's hard to understand what this stenographer was doing if not making a transcript. All we *know* is what Oswald told newsmen as he was being led back and forth through the hallways of police headquarters. He said then—and his words are preserved on video tape—that he was innocent and had no connection with the murder of Officer Tippit. When asked if he had killed President Kennedy, Oswald looked stunned and said, "No one even asked me about that, I never heard about that. I didn't kill anyone." As the police dragged him away, he shouted that he was being made a "patsy." That's Oswald's word. In fact, one of his last words.

PLAYBOY: Are you saying that there exists no verbatim record whatsoever of anything Oswald said during those 12 hours of interrogation?

LANE: That may seem surprising to you, but I'm afraid I've now lost my capacity for surprise. The Dallas police claimed Oswald had been "lying" to them. By that, I assume they mean he continued to protest his innocence—or perhaps had something so explosive to say that the authorities decided to "protect" the public from it. In any case, Oswald was executed by Jack Ruby on November 24, before he could repeat his "lies" to the press—or to a jury.

PLAYBOY: You state in your book that "No interpretation of November 24 can exclude the certainty that Ruby murdered Oswald through the complicity or complacency of members of the police." On what evidence do you base that charge?

LANE: Let me say at the outset that the Warren Commission's conclusion that Ruby murdered Oswald is the only major conclusion in the Report that is supported by the evidence. Of course, the Warren Commission could hardly have held otherwise, since the murder took place live on nationwide TV. As for the question of police complicity, let's examine the Oswald slaying. The previous day, the FBI and the Dallas County sheriff's office were warned by anonymous telephone callers that Oswald was going to be killed, but the police officers in charge of his transfer—according to the Warren Commission—were not informed of these threats. The time of the transfer was announced to the public in advance; and when it took place—an hour and 15 minutes after it had been announced—the human corridor of police officers that was supposed to flank Oswald as he passed through the basement was not in place. The police car that was to take him away was also not where it was supposed to be. Jack Ruby was able to enter the jail through the Main Street ramp and shoot Oswald without a hitch. There were police behind Oswald and on each side, but none in the front.

PLAYBOY: Why not?

LANE: I don't know. I do know that all through *Ruby*'s trial, there were always police officers to his right, to his left, in back of him *and* in front of him. So if anyone had wanted to kill Jack Ruby, he would have to kill a Dallas officer first. But Oswald's front was unprotected, giv-

ing an assassin a clear range of fire.

PLAYBOY: You say Ruby got into the police station through the Main Street ramp. Wasn't it guarded by police officers?

LANE: Yes, there was a police officer there. Whether he was *guarding* the entrance is another question. A former Dallas officer, N. J. Daniels, told the Commission he was standing outside the Main Street ramp with the police officer on duty when he saw a man who was later identified as Jack Ruby enter the ramp. Daniels told the FBI that this man had his right hand in his coat pocket, and said there was a large bulge in the pocket, which Daniels immediately assumed was caused by a pistol. Daniels didn't do anything because the policeman on guard looked directly at Ruby and let him enter without a word. "The impression I got was that the patrolman knew him . . ." Daniels testified. Well, here is evidence that at least one Dallas officer allowed an unauthorized man, his pocket bulging with what could have been a gun, to pass into the basement. What did the Commission do about this? Did they call this Dallas policeman and rigorously cross-examine him? No, they neatly disposed of the problem by concluding that Daniels' "testimony merits little credence." And that was that.

PLAYBOY: On what grounds did the Commission dismiss Daniels' testimony?

LANE: Partly on the grounds that Daniels was incorrect in remembering if Ruby wore a hat that day. When a witness said something that conflicted with the conclusions of the Commission, his testimony was frequently judged invalid on such trivial and irrelevant grounds.

PLAYBOY: Have you tried to speak to the patrolman for his version of the story?

LANE: I've never spoken with him. I would be delighted to cross-examine him in some proceeding where a structure of legal rules prevailed. In any case, with or without help, Ruby did get inside, and by some wrenching of the laws of probability, his timing just happened to be perfect. A few seconds after Ruby entered the basement, Oswald was led into the corridor from an elevator. And at that moment, just as Oswald appeared, the horn of a car in the basement sounded once. Then Oswald was led through the milling crowd of reporters toward the Main Street ramp, and as he approached it, the horn honked a second time, and at that instant Ruby rushed forward and shot Oswald dead.

PLAYBOY: Are you implying that the horn was some kind of signal alerting Ruby when to shoot Oswald?

LANE: That's certainly a possibility. It had to be a police horn, because all the cars in the basement were police cars, and those two honks are clearly audible on video and radio tapes taken by reporters. It's conceivable there's a

perfectly innocent explanation for the whole thing, but the Commission never bothered to investigate it—and never even mentioned the two horn blasts in their report.

PLAYBOY: You just pointed out that Ruby arrived on the scene at the very moment of Oswald's transfer. Do you think Ruby knew in advance the exact time this transfer was to take place?

LANE: That's a possibility, too. The transfer took place just after 11:15 A.M. The previous night it was announced the transfer was to take place at ten A.M. If Ruby had followed the official announcement, he would have been more than an hour early. The basement would have been virtually deserted. But for some reason Oswald's transfer was delayed, and this delay was not announced. I should point out here that Ruby was a "goer" to events. He was present at the Parkland Hospital when the President died; the Warren Commission denies it, but, as I said, Scripps-Howard newsman Seth Kantor and another reliable witness placed him there. Ruby was also at the assassination site minutes after the shooting; the Commission denies this, too, but there's a photo showing him there. And he was at Oswald's so-called "press conference" in police headquarters on the night of November 23; this the Commission admits. Ruby even chimed in to help out District Attorney Henry Wade when he misidentified the Fair Play for Cuba Committee. Now, he turns up an hour and 15 minutes after the transfer should have been completed but miraculously is *exactly* on time—almost like an actor on cue. And the play didn't begin until he was in place. The Warren Commission says it's just a coincidence; I'll leave it up to you.

PLAYBOY: Would you describe the photograph that supposedly shows Ruby at the assassination site "minutes after the shooting"?

LANE: Philip W. Willis, a retired Air Force major, took a series of 12 color photos just before and after the assassination. Picture eight, taken a few minutes after the President was shot, shows a man standing in front of the Book Depository Building—a man who appears to be Jack Ruby. I showed the picture to Wes Wise, a reporter for Station KRLD, the CBS affiliate in Dallas. Wise knows Ruby well, and testified at his trial. Wise said he believed the picture was of Ruby. Willis told an investigator for the Citizens' Committee that the *FBI* had told him it was Ruby. The Commission, however, concluded that Ruby wasn't there—and when they published picture eight, he wasn't. After Willis surrendered the photograph to the Commission, someone cropped it and removed a substantial portion of the face of the man thought to be Ruby, who was standing in the far right of the

picture. The cropped photograph was then enlarged to make it identical in size to the other pictures, and published in the Report.

PLAYBOY: In any case, does Ruby's ubiquitousness lessen the possibility that his perfect timing in the jail was just a coincidence?

LANE: No, it doesn't. I believe in chance, in the random factor, but you reach a point in this case where the Warren Commission asks you to accept one too many coincidences. They proceed as if cause and effect are alien doctrines. The American press speaks of Europeans rejecting the Report because of their conspiracy theories of history. We Americans are asked to accept a coincidence theory instead. Europeans rejected the Commission's Report earlier than Americans, because the European press presented both sides. Here those who dissented from the findings—including me—were denied access to the press for two years following the assassination.

PLAYBOY: Do you believe that Ruby killed Oswald in a conspiracy with the Dallas police—to silence him?

LANE: This is possible and should have been investigated—but it never received thorough examination from the Commission. Let me add that there is no doubt in my mind that had Oswald lived to face trial, he would have been acquitted of the assassination of President Kennedy. A Commission attorney, Alfredda Scobey, conceded that in the January 1965 issue of *The American Bar Association Journal*. Perhaps the real authors of the assassination decided to "close the case" in the most effective—and final—way possible.

PLAYBOY: What exactly were Ruby's relations with the Dallas police?

LANE: The Commission more or less accepted the statement of Jesse Curry, chief of the Dallas police, that Ruby knew "only" 25 to 50 Dallas policemen. But Joseph Johnson, who was Ruby's bandleader at the Carousel Club for more than six years, says Ruby had a "very close, warm relationship" with the police, and personally knew more than half the Dallas force. There are 1200 policemen on the force. Another witness, Nancy Perrin Rich, Ruby's former bartender at the Carousel Club, also said Ruby knew over half the Dallas police force. The Warren Commission said that Ruby would occasionally serve the few cops he knew "free coffee and soft drinks," but Mrs. Rich, who got her job with Ruby through a Dallas policeman, said in a filmed interview with me that he supplied "booze, women and gambling" to the police. There was a vast amount of evidence and testimony before the Commission attesting to the long-standing corrupt relationship between Ruby and the Dallas police. The evidence shows that Ruby bribed the officers and that in turn they quashed a number of criminal charges and licensing violations that had been brought against him. It was a cozy, symbiotic relationship, and the final pay-off may have been Ruby's murder of Oswald.

PLAYBOY: Was Ruby linked to organized crime in Dallas?

LANE: The Commission concluded he wasn't—but many witnesses said he was. Several told the local or Federal police that before opening a gambling operation in Dallas, they were told by Syndicate kingpins in Las Vegas to clear it with Jack Ruby, who was their "contact man" with the Dallas police. One witness testified that Ruby was also deeply involved in the Dallas narcotics racket. And there is evidence that Ruby was the "bagman," or paymaster, for a clandestine group of anti-Castro Cuban exiles.

PLAYBOY: What evidence?

LANE: The testimony of Nancy Perrin Rich. She swore that her husband was contacted by an anti-Castro group and asked to run guns into Cuba and smuggle exiles out. He was selected because he'd previously accomplished similar missions for Franco during the Spanish Civil War. Mrs. Rich says she attended a meeting with her husband to discuss the terms of the deal. It was presided over, she told me, by a lieutenant colonel of the U. S. Air Force, and there was at least one man present who she thought "might have been Cuban." Mrs. Rich's husband was promised $10,000 for the job, but they haggled with the group and eventually succeeded in raising the sum to $25,000. But the negotiations hit a snag because there was no money at hand, and Mr. Rich demanded a large cash retainer. According to Mrs. Rich, when she testified before the Commission, she then was surprised to see her old friend Jack Ruby walk in the door, his coat pocket bulging ostentatiously. Ruby and the colonel went into the bedroom and a few minutes later Ruby came out, his pocket no longer bulging, and left soon afterward. Though she didn't see it, she testified that the money was then forthcoming.

PLAYBOY: What did the Warren Commission conclude about Mrs. Rich's testimony?

LANE: Nothing. They never even mentioned her in the Report. There was no effort to track down the Air Force colonel Mrs. Rich says presided over the meeting, or to identify anyone else involved. Let me show you how the Commission dealt with her testimony. When I interviewed Mrs. Rich in Lewiston, Maine, on April 18, 1966, she informed me that, after the meeting, the Air Force colonel showed her a cache of military armament in a shed in the back yard of the apartment building where they met. "I got the general impression from what was said," she told me, "that these were pilfered from U. S. Army or Air Force bases." I asked Mrs. Rich if she gave this information to the Commission. She replied: "I did, but apparently they chose to discount it. . . . At the time it was given . . . Mr. Griffin [Burt Griffin, Commission counsel] said, 'Strike that from the record.' " Mrs. Rich's testimony, of course, was incompatible with the Commission's evaluation of Ruby as an honest and aboveboard, though possibly deranged, character with no shady connections—so it was ignored. And let me stress that the Commission's conclusion that Ruby was an insignificant character without criminal connections is *vital* to their determination that there was no conspiracy. If their evaluation of Ruby goes, so does much of their case against a conspiracy. In fact, Mrs. Rich's testimony about the arms cache wasn't just ignored—it was deleted from the public version of the 26 volumes. As you probably know, the Commission reserved the right to edit the transcripts on which the volumes of testimony were based, prior to publication, to improve the "clarity and accuracy" of the witnesses' testimony.

PLAYBOY: Is there any further evidence linking Ruby to the anti-Castro underground?

LANE: Yes, there's the testimony of Robert McKeown, a Houston resident who was convicted of conspiracy to smuggle arms to Fidel Castro while Castro was in the Sierra Maestra. When Castro visited the U. S. in the early days of his regime, he personally greeted McKeown and hailed him as a friend of the revolution. I have an FBI report that reveals that in January 1959 McKeown received a telephone call from one "Jack Rubenstein" in Dallas. Rubenstein, of course, was Ruby's real name. "Rubenstein" said he knew that McKeown had influence with Castro, and told him "he wanted to get three individuals out of Cuba who were being held by Castro." He stated that if McKeown could accomplish their release, "Rubenstein" would pay $5000 for each person. The caller added that "a person in Las Vegas, Nevada, would put up the money." A few weeks after this call, a man visited McKeown in Houston and offered him $25,000 for a letter of introduction to Castro. This man never gave his name, but according to the FBI report, "McKeown advised that he feels strongly that this individual was in fact Jack Ruby, the man whose photographs he has seen many times recently in the press." Now here is further evidence linking Ruby to anti-Castro activity, and the FBI forwarded this report to the Warren Commission; but the Commission never published it in its Report or referred to it in any way. I only came across it myself while poring over the mass of unindexed material in the 26 volumes.

PLAYBOY: Aren't you drawing a great

many conclusions from the testimony of two people?

LANE: McKeown's and Mrs. Rich's are not the only evidence of a Ruby-Cuba link. Shortly after the incident with McKeown, Ruby flew to Havana with a Las Vegas gambler named Lewis J. McWillie. Ruby told the Commission of his trip but didn't say what he did in Havana. McWillie testified that his plush gambling casino had been expropriated by Castro, and he "personally left Havana to avoid arrest." McWillie said he had known Ruby for some time, that Ruby had once procured a pistol for him, and that he knew Ruby "to be well acquainted with virtually every officer of the Dallas police." When the Commission spoke to McWillie, they already knew of the FBI report on the McKeown incident, but they never questioned the gambler about it, and never bothered to determine a possible link between Ruby's Havana trip and his earlier contact with McKeown. The Commission simply brushed off the whole incident as unimportant.

PLAYBOY: Do you believe, as some have implied, that Ruby was involved with the CIA in his alleged anti-Castro activities?

LANE: I don't know, but at that time the CIA was firmly in charge of anti-Castro exile activity in the United States. Ruby may have had nothing to do with the CIA, however; he may just have been acting for some expropriated gambling interests out for revenge against Castro. What I object to is the Warren Commission deliberately suppressing these facts. Let me add a vital point: By hushing up things like this, the Commission didn't dispel rumors; they provided more fertile ground for them. Because people naturally wonder, if there's nothing sinister here, *why* did the Commission suppress the facts? The Warren Report may have won a little time for the Government, but its methods have opened up a whole Pandora's box of rumors and speculation. No cover-up at all is better than a poor one.

PLAYBOY: Since you've mentioned rumors and speculation, let's discuss your contention in *Rush to Judgment* that on the evening of November 14, 1963, a two-hour meeting took place at the Carousel Club between Ruby, Patrolman Tippit and Bernard Weissman, the ultra-right-wing activist who placed that full-page ad in the November 22 *Dallas Morning News* accusing Kennedy of treason. Where did you hear about this alleged meeting?

LANE: I learned of it from Thayer Waldo, a respected reporter for the *Fort Worth Star-Telegram*, who told me that an acquaintance of his, a prominent Dallas figure, was in the Carousel Club that night. Waldo's friend was a frequent visitor to Ruby's place, because he was carrying on an affair with one of the strippers. This man told Waldo, and later repeated directly to me, that he had seen Ruby, Officer Tippit and Weissman sitting together at a back table engaged in deep conversation for almost two hours.

PLAYBOY: Why would they hold such a meeting in public view?

LANE: I don't know.

PLAYBOY: If there was such a meeting, do you believe that its purpose was to plot the assassination of President Kennedy?

LANE: I don't know *what* its purpose was. That's the whole issue. There *is* some evidence to support the contention that there was such a meeting. The Commission should have found out where those three men were that night, and told us. They didn't. Maybe my informant was wrong about seeing the men together. The point is that here is a potentially critical lead that the Commission stubbornly refused to follow up. The meeting itself could mean nothing—or everything. We'll never find out from the Commission's Report.

PLAYBOY: The Report concluded that "The Commission has investigated the allegation of a Weissman-Ruby-Tippit meeting and has found no evidence that such a meeting took place anywhere at any time."

LANE: Of course they conclude that. It assists their coincidence thesis. But let me tell you how the Commission "investigated" this meeting. As I said, Thayer Waldo was the source for my information on the two-hour Ruby-Tippit-Weissman meeting. Waldo testified on June 27, 1964—but the Commission counsel *never once* asked him about the meeting. I told the Commission I could not reveal the name of the man Waldo said had witnessed the meeting, because I had promised the man he would not be involved; he was a leading Dallas citizen; he was married, and the stripper he was going with had become pregnant. But the Commission wasn't interested in the truth, only in discrediting my report of the meeting. For example, after I told the Commission what I knew, Chief Counsel J. Lee Rankin asked me, "Do you realize that the information you gave in closed session could have an unfavorable effect on your country's interests in connection with this assassination?" Mind you, Rankin wasn't concerned with investigating the report and finding out if such a meeting had really occurred; he was only disturbed that *talking* about it could harm our country's interests. This, of course, was the whole problem with the Commission; they weren't interested in pursuing the truth, but in performing a prophylactic function, in protecting their conception of the national interest. In this case, unfortunately, they couldn't do both.

PLAYBOY: Apart from the alleged meeting at the Carousel Club, didn't the Warren Commission conclude there was "no credible evidence" that Ruby knew Tippit?

LANE: You continue to confront me with Commission conclusions as if they were facts. Yes, the Commission did, but the evidence says otherwise. Ruby's sister, Mrs. Eva Grant, told a *New York Herald Tribune* reporter who asked her about Tippit that "Jack knew him and I knew him." She added that "Jack called him Buddy" and "We liked him. . . . He was in and out of our place many times." At least six other witnesses—including Dallas Police Lieutenant George C. Arnett—swore that Ruby knew Tippit. For example, one of Ruby's bartenders, Curtis La Verne Crafard, and another club employee, Andrew Armstrong, were at the Carousel Club when Tippit's death was announced over the radio, and both men told the FBI that Ruby told them then that he had known Tippit. Still another witness, who once sought Ruby's OK to open a numbers operation in Dallas, told the FBI that Tippit "was a frequent visitor to Ruby's night club, along with another officer who was a motorcycle patrolman in the Oaklawn section of Dallas." The FBI agents who interviewed Hardee reported that "from his observation there appeared to be a very close relationship between these three individuals."

One of the many witnesses the Commission never chose to call was Harold Richard Williams. On April 3, 1966, I filmed and tape-recorded an interview with Williams in Dallas, and he told me that early in November 1963 he had been roughed up and arrested in a raid on an after-hours club called the Mikado, where he worked as chef. Williams says he carefully studied the face of the officer driving the police car to headquarters, intending to find out who he was and make a complaint. Seated alongside this cop in the front of the car, according to Williams, was Jack Ruby, whom the driver called "Rube." Williams said he knew Ruby well, since Ruby "used to furnish us with girls" for parties at the Mikado Club. On November 22 Williams saw a photograph of Patrolman J. D. Tippit in the papers and recognized him as that same officer. When Williams told acquaintances about seeing Ruby and Tippit together, he was promptly taken into custody by the Dallas police and told to keep quiet about the incident, since "it would be very easy" to charge him with a crime "and make it work." Nevertheless, Williams agreed to tell me all he knew. Despite all these facts, the Commission concluded there was "no credible evidence" that Ruby and Tippit were acquainted.

PLAYBOY: Do you also challenge the Commission's conclusion that Ruby had

never met Weissman, the man responsible for the anti-Kennedy ad?

LANE: Yes, I do. And it's the same story here: Witness after witness told either the FBI or the Commission that Weissman was a frequent visitor to the Carousel Club in November of 1963. On August 21, 1964, the FBI showed Curtis Crafard several photographs of Weissman, and Crafard said that Weissman had been in the Carousel "on a number of occasions." The FBI report on the interview states that Crafard revealed he "has heard Ruby refer to Weissman by the name of 'Weissman' and on several occasions has served Weissman drinks at the Carousel Club." It goes on and on like that, but despite all this evidence, the Commission claimed that Ruby knew neither Tippit nor Weissman.

PLAYBOY: In any case, the Commission concluded that Ruby was too "moody and unstable to have encouraged the confidence of the persons involved in a sensitive conspiracy." Do you think they have a point there?

LANE: Well, that's an interesting bit of speculation. I personally don't know who a conspiracy would pick as its assassin. Perhaps the conspirators, if they exist, would have preferred a college professor or a Rhodes scholar. But I do know that Ruby killed Oswald quite effectively, although the odds were very much against it, with just one well-placed shot in the stomach. Unlike the Warren Commission, I can't psychoanalyze a hypothetical group of conspirators and determine their recruiting practices. All I can say is that if Ruby was ordered to kill Oswald, his employers would have no reason to be dissatisfied with the way he did his job.

PLAYBOY: How did Ruby explain his motivation for killing Oswald when he testified before the Commission?

LANE: Ruby's appearance before the Commission is one of the most fantastic aspects of the whole investigation. In the first place, the Government was far from eager to have him testify at all. The Commission was formed during November of 1963, but Ruby wasn't interrogated until June of 1964, even though he repeatedly asked the Commission for permission to testify. And when he was finally called, only two members of the seven-man Commission were present—Earl Warren and Gerald Ford. The locale for his interview was, of all places, the Dallas County jail, and in attendance at the outset were Dallas Sheriff J. E. Decker, Assistant District Attorney Jim Bowie and Robert G. Storey, special counsel to the attorney general of Texas. Perhaps the Commission assumed Ruby would be more comfortable in familiar surroundings. If so, they were wrong, because Ruby begged over and over to be taken to Washington, where he could speak freely, but Earl Warren repeatedly

turned him down. This is all printed in the Commission evidence. "I want to tell the truth," Ruby said at one point, "and I can't tell it here. . . . Gentlemen, unless you get me to Washington, you can't get a fair shake out of me." He added: "My life is in danger here." When Congressman Ford asked, somewhat redundantly, if there were things he would reveal in Washington that he wouldn't reveal in Dallas, Ruby told him that there were. And as the hearing closed, he made one last desperate plea to Chief Justice Warren to get him out of Dallas. "You are the only one who can save me," he told Warren. "But by delaying minutes, you lose the chance." Ruby said he was anxious to tell the truth about "why my act was committed, but it can't be said here." At that point Earl Warren, instead of reassuring Ruby and trying to find out what he knew, actually told him that he had good reason to fear for his safety if he talked too much. These are Warren's exact words, from the Commission records: "I think I might have some reluctance if I was in your position, yes: I think I would. I think I would figure it out very carefully as to whether it would endanger me or not." Here is the Chief Justice of the United States questioning the one surviving principal, and in effect warning him not to tell everything he knows. It certainly was, to put it as innocently as possible, an incurious approach.

PLAYBOY: Couldn't Ruby have blurted out whatever he knew to Warren, and on the strength of that demanded some kind of political asylum? Didn't he actually jeopardize himself more by making only cryptic remarks that might be disregarded?

LANE: I think he handled things quite well from the standpoint of his own interest. If he was involved in a plot and he told the whole story, his statement would be tantamount to a confession of murder with malice. After a new trial, his "asylum" would be a cemetery. Ruby's cryptic remarks may have been intended as a reminder that he still might talk if arrangements for his release were not fulfilled. All of this, of course, is based on the presumption that Ruby may have been part of a conspiracy to kill Oswald.

PLAYBOY: Why didn't the Commission take Ruby to Washington?

LANE: The Chief Justice said that a trip with Ruby would attract "public attention" and require the presence on the plane of additional security guards. When Ruby continued to make the request, Warren snapped: "No, it could not be done. It could not be done. There are a good many things involved in that, Mr. Ruby." So Ruby never got to Washington. That was the only interview the Commissioners ever had with him, and he was never allowed to reveal whatever it was he felt he could not reveal in the Dallas jail.

PLAYBOY: Well, what information did come out of the Dallas hearing?

LANE: Ruby testified for about three hours, but he was asked very few questions, and most of his statements were volunteered. The Commission's most fantastic omission was that Ruby was never even asked whether or not he received help in entering the basement of Dallas police headquarters. Ruby stated that when he shot Oswald "there was no malice in me." The Commission had *already* concluded that Ruby killed Oswald in a fit of frenzy stemming from his love of Kennedy and his hatred of Oswald. So, of course, they also failed to ask the logical and vital question: If Ruby didn't hate Oswald, why did he kill him? It goes like this right down the line. At one point Ruby disclosed that 36 hours before his "unpremeditated" murder of Oswald, a Dallas police officer had made a veiled suggestion to him that Oswald should be killed. As he testified to this effect, Joe Tonahill, his lawyer, passed a note to the Commission members reading: "This is the thing that started Jack in the shooting." In other words, Ruby's own lawyer intimates that a Dallas policeman motivated Ruby to murder Oswald. Yet Ruby was not asked a single question by the Commission on this point.

PLAYBOY: Do you believe the Commission was only going through the motions when they interviewed Ruby, and really didn't want to learn the facts?

LANE: I don't *know* why the Commission behaved as it did. Maybe Ruby was wrong in thinking his life was in danger in Dallas. Maybe he could have testified freely there without fear of personal injury. On the other hand, if he did have police assistance in shooting Oswald, he obviously might be reluctant to talk about it in the Dallas jail. The thing to remember is that when the Commission questioned Ruby, President Kennedy, Officer Tippit and Lee Oswald were all dead; Ruby was the sole known surviving protagonist of the events that began on November 22. Even if his fears were irrational, the Commission had an obligation—to the truth and to the American people—to do everything possible to allay Ruby's fears and find out all he knew. The Commission never did that. And that's why the most revealing question of that entire day was posed by Jack Ruby to Earl Warren. He said to the Chief Justice of the United States: "Maybe certain people don't want to know the truth that may come out of me. Is that plausible?"

PLAYBOY: If Ruby's motives were uncertain, what about Oswald's? Has it been determined if Oswald ever expressed personal or political hostility toward either President Kennedy or Governor Connally?

LANE: There has been no allegation that Oswald did. On the contrary, Marina Oswald testified her husband thought *highly* of President Kennedy, particularly of the job he was doing on behalf of civil rights. Oswald expressed similar pro-Kennedy sentiments to other people whose testimony is on the record. Marina Oswald also said that while they were living in the Soviet Union, Oswald read that Connally was running for governor of Texas, and he told her if he had been living in Texas at the time he would have voted for him.

PLAYBOY: Would you discuss the circumstances of Oswald's stay in the Soviet Union?

LANE: Winston Churchill once referred to Russia as a mystery wrapped in an enigma, and Oswald's stay there falls into that category. He lived there two years, attempted to give up his American citizenship, and expressed violent anti-American and pro-Communist opinions. Yet in his private diaries for the same period he consistently expresses bitter *anti*-Soviet sentiment. On his return to the States, Oswald dictated the beginning of a book on Soviet life based on these notes, and it, too, was anti-Soviet. His mother, Marguerite Oswald, has also repeatedly stated in public that her son was a CIA agent; but I've been unable to find any independent verification for that charge. After his return to the States, Oswald maintained his leftist public image, but there are some strange contradictions here, too: He was ostensibly pro-Castro, but he also tried privately to ingratiate himself with an anti-Castro Cuban exile group. Whether he was a rightist passing for a leftist, or a leftist posing as a rightist, or an FBI or CIA agent passing for both, or possibly just plain confused, I honestly haven't been able to figure out. I'm inclined to believe he was a sincere leftist.

PLAYBOY: If both Ruby and Oswald were linked in some way with Cuban exile groups, do you believe they were associated in any other ways?

LANE: I've heard many stories to this effect, but no one has yet presented convincing proof that the two men knew each other.

PLAYBOY: You mentioned that while he was in the Soviet Union, Oswald tried to renounce his American citizenship. In September 1963, he applied for a passport in New Orleans, and his application was granted. But passport regulations require the applicant to swear he has never "sought or claimed the benefits of the nationality of any foreign state." Why was Oswald granted a passport?

LANE: I don't know. His application was wired—not mailed, as is the usual procedure—to Washington, and clearance came through within 24 hours, which

must be record time, considering his background.

PLAYBOY: Is there any evidence, as you intimated earlier, connecting Oswald with the FBI?

LANE: Well, a question might be raised by the fact that Oswald's address book contained the address and auto-license number of Dallas FBI Agent James Hosty, and this was later deleted from the police list of Oswald's addresses. And Congressman Gerald Ford's book *Portrait of an Assassin* revealed that at the outset of the investigation, Texas Attorney General Waggoner Carr and Dallas District Attorney Henry Wade informed the Commission that Oswald was an undercover informant for the FBI. These two Texas officials, Ford writes, disclosed that Oswald's FBI code number was 179, that he had been on the FBI payroll from September 1962 to the day of his death, and that his FBI salary was $200 per month. Now, what did the Commission do upon receipt of this startling evidence? Did it launch an immediate investigation? No. Chief Counsel Rankin merely told the Commission, according to Congressman Ford: "We have a dirty rumor that is very bad for the Commission . . . and it is very damaging to the agencies that are involved in it and it must be wiped out insofar as possible to do so by this Commission." So without even examining this statement by two prominent Texas officials, the Commission labeled it a "dirty rumor" and decided "it must be wiped out." They did this quite effectively—by asking J. Edgar Hoover if it were true. He denied it. What could one expect him to say—"Oswald was working for me when he killed the President"? As far as the Commission was concerned, asking Hoover all but closed the subject. The sources of the allegation were never questioned. And since the minutes of Commission proceedings will not be made public for 75 years, we would never even have heard of the matter except for Congressman Ford's indiscretion.

PLAYBOY: In your book, you say that "The case against Lee Harvey Oswald was comprised essentially of evidence from two sources: Dallas police officers and Marina Oswald." You've already explained why you doubt the integrity of Dallas police. Why do you doubt Marina Oswald?

LANE: Marina changed her testimony so often it was difficult to determine which version the Commission accepted. At first, she declared that her husband was innocent and hadn't planned to murder anyone. Later, she told the Commission that the "facts" given to her by the Federal police convinced her that Oswald had, indeed, killed Kennedy in order to become famous. In other words, the police had to reveal her own husband's psychology to her. She at first testified that her husband was pacific and gentle in his relationship with her; but later on, after she'd been isolated in the custody of the FBI and Secret Service for months, she stated that Oswald was brutal and beat her frequently. Marina originally said her husband never expressed hostility toward any person in public life. Later, after her confinement by the FBI and Secret Service, she testified her husband shot at General Edwin Walker. Marina also told FBI agents right after the assassination that she had never seen her husband with a pistol, and he had never owned a pistol. She also said she had never seen a telescopic sight. Yet the Commission relied on her later statement that she took the famous picture of Oswald holding a rifle equipped with a telescopic sight and wearing a pistol on his hip. And so it went: The longer she was in the custody of Federal authorities, the longer they questioned her and "revived" her memory, the more damning Marina Oswald's testimony became to her late husband. Brainwashing, it would seem, is not an exclusive property of the Chinese.

PLAYBOY: Do you impugn Marina's testimony that Oswald attempted to shoot General Walker on April 10, 1963?

LANE: I think the evidence does that. Her testimony on this subject "evolved" during the period she was in Federal custody. At first, she said she knew of no acts of violence committed by Oswald. Later, much later, she "remembered" the Walker incident. There was only one witness to the Walker shooting: Walter Kirk Coleman, a 14-year-old boy who lived in the house behind General Walker's. When he heard shots one night, he ran out and saw two men, one evidently with a rifle, jump into two cars and drive away. The Commission said Oswald could not drive. Coleman was shown pictures of Lee Oswald, and stated that neither of the two men looked anything like Oswald. The Commission, of course, never called Coleman, the only eyewitness, and relied wholly on Marina's unsupported, self-contradictory and belated allegations as to what her husband had said—not what she had seen.

PLAYBOY: Didn't investigators find a photograph of Walker's house among Oswald's possessions?

LANE: Yes—though, of course, that doesn't prove Oswald was the one who took it. Let's take a look at it: It's a rather mysterious photograph. It shows Walker's house, with an automobile parked in front. There is, however, a hole torn in the photograph, deleting the back portion of the car. Marina Oswald testified that this hole had been torn in the photograph *after* it came into possession of the Warren Commission. She testified: "When the FBI first showed me this photograph, I remember that the license plate, the number of the license plate was on this car, and was on the

photograph. It had the white and black numbers. . . . There was no hole in the original when they showed it to me . . ." The Commission tried to get her off the subject, but she appeared fascinated by the altered photograph. "Why does the Commission not ask me about this?" she persisted. Finally the Commission lawyer said, "Off the record, please," and the subject was never referred to again. Wesley Liebeler, the junior attorney for the Commission who conducted the "off-the-record" discussion, recently said at a public meeting that he doesn't remember what was said during that off-the-record conference. And this photograph is the one piece of physical evidence used to show that Oswald shot at General Walker.

PLAYBOY: Do you know why or how the photo showing the license plate was mutilated *after* the photo came into the Commission's hands?

LANE: No, I don't. The Commission permitted a relatively inexperienced junior lawyer—Wesley Liebeler again—to handle this aspect of the investigation. The photograph raises the very real possibility that the Warren Commission tampered with evidence. Why? Well, if the license plate was dated either of the two years that Oswald spent in the Soviet Union, that would be proof that he didn't take the picture. But now you have me speculating. As I said earlier, I don't know.

PLAYBOY: Wasn't it proved conclusively that the photo was taken with Oswald's camera?

LANE: The FBI said so.

PLAYBOY: Why would Marina Oswald lie in an effort to incriminate her dead husband?

LANE: Marina Oswald's testimony indicates only one thing—that she was a frightened woman, a Soviet citizen in an alien and menacing country, unable to speak English, without any means to support herself and her children, thinking she was subject to deportation at any time. Marina Oswald is the type of witness every unscrupulous prosecutor dreams of, because she's totally vulnerable to pressure. Remember, she was held incommunicado for months by the Federal authorities, and when she emerged, she disavowed all her original statements protesting her husband's innocence and wholeheartedly supported the Warren Commission's conclusions.

PLAYBOY: Are you charging that agents of the United States Government intimidated a witness and persuaded her to change her testimony?

LANE: It seems very likely. Take a look at Marina's own testimony before the Commission. She testified that FBI agents "told me that if I wanted to live in this country, I would have to cooperate." Marina gave the Commission the names of the FBI agents who said this to her, but the matter was never followed up; the Commission evidently wasn't interested in a possible effort by the FBI to tamper with a major witness. I don't know what the FBI meant by "cooperate." Perhaps nothing. But Marina also said an *immigration* official came from New York to see her before she was questioned by the FBI and "said that it would be better for me if I were to help them." She was obviously upset by her encounters with the FBI, and plaintively told Earl Warren, who throughout the hearings adopted the role of father figure toward her: "I think that the FBI agents knew I was afraid that after everything that had happened I could not remain to live in this country, and they somewhat exploited that for their own purposes, in a very polite form, so that you could not say anything after that. They cannot be accused of anything. They approached it in a very clever, contrived way." The Chief Justice quickly changed the subject. So if you're asking me if Marina Oswald was pressured by the Government to tailor her testimony to the official version, I'd say it certainly seems so. Marina was almost never subjected to what might be called cross-examination. The Commission would not permit it. It was this attitude, when Marina was appearing before the seven-man Commission, that prompted one participant to refer to the vignette as "Snow White and the Seven Dwarfs."

PLAYBOY: What proof do you have for the charge in your book that the famous *Life* cover photograph of Oswald holding the alleged murder weapon may have been forged?

LANE: This photograph was the single document most responsible for persuading Americans that Oswald was involved in the assassination. It shows him standing on a lawn holding the Mannlicher-Carcano rifle in one hand and two Communist newspapers in the other, with a holstered pistol strapped to his waist. How pat can you get? Many copies of this picture originally and mysteriously materialized on the day of the assassination—on a desk in the Dallas police headquarters; one cannot be certain of their origin.

PLAYBOY: The Warren Report seems certain. On page 592, it states that the photo "of Lee Harvey Oswald holding a rifle [was] found among Oswald's possessions in Mrs. Ruth Paine's garage at 2515 West Fifth Street, Irving, Texas."

LANE: That's what the Dallas police said, but questions about the authenticity of the picture raise doubts about its origin as well. Many newspapers ran the picture—and *Life*, on February 21, 1964, carried it on its cover with the caption: "Lee Oswald, with the weapons he used to kill President Kennedy and Officer Tippit." The publication of that photograph raised questions in photographic circles around the world, and a number of photographic experts charged it was fraudulent.

PLAYBOY: On what grounds?

LANE: First of all, some of the pictures reproduced in the press show a telescopic sight on the rifle, while in others there is no telescopic sight. Subsequently, responsible publications such as *Newsweek* and *The New York Times* admitted to the Warren Commission that their art departments had retouched the photo. But even more serious is the evidence that the *entire* picture was faked. As published on the cover of *Life*, the shadow from Oswald's nose falls directly down to the middle of his mouth, whereas the shadow from his body falls at about a 45-degree angle to his rear and to his right. From this, photographic experts immediately concluded that either Oswald's head had been superimposed on the picture or that the picture had been taken on a planet enjoying two suns. I repeated this observation to the Commission and they decided to test the photo's authenticity. Evidently, in order to prove that the shadows in the picture could be authentically duplicated, the FBI had one of its agents assume a similar position and took a photograph of him, which was published in the Report. Sure enough, the body shadow in the FBI picture falls at the same angle as the body shadow in the *Life* picture. But there's just one small problem: In the photograph published by the Warren Commission, the man's head had been removed! The FBI said they did this because nothing about the head was "pertinent"—while it was obviously the only pertinent factor involved, since the question was whether or not the nose and body shadows matched. But the Warren Commission showed a photo with the head deleted as proof that the *Life* photograph was accurate. Thus we come full circle. An openly doctored photograph was offered to prove that another was authentic.

PLAYBOY: So you believe the photograph was forged as part of a plot to incriminate Oswald?

LANE: *Oswald* believed that. In the Commission's 26 volumes of evidence, you'll discover that when Oswald was confronted with the photo in the Dallas jail, he charged that "The Dallas police have superimposed my head on that body, because that is a picture of my head, but not of my body." Oswald added that he'd worked for a photographer and knew something about photography, and therefore knew the photo was a forgery. He said he would prove it at his trial. There never was a trial, of course. Obviously, I'm not charging that *Life* or any other publication superimposed the head. They evidently accepted the photo in good faith, though rather uncritically.

PLAYBOY: When did Oswald make that

statement about the photo? Didn't you say earlier that the Commission claimed there were no transcripts of his interrogation at police headquarters?

LANE: This particular remark was reported to the Commission by Dallas policemen and Federal agents who were present at the interrogation and who remembered fragments of Oswald's comments.

PLAYBOY: You said a while ago that several witnesses have reported being threatened by both Dallas policemen and Federal agents for contradicting the Government version of the assassination. Have there been other instances?

LANE: Some extraordinary things have happened in Dallas to people who gave testimony contradicting the version that Oswald was the lone assassin of President Kennedy and Officer Tippit. Since I wrote my book, much more has come to light. I mentioned earlier the Acquilla Clemons episode: her life was threatened by a Dallas police officer—or so she thought—after she said that Tippit's murderer was not Oswald. Another witness to the Tippit slaying, Warren Reynolds, was one block away from the shooting when he saw a man run past him carrying a pistol. Reynolds described the man to the police on November 22, and since his description was completely at variance with that of Oswald, he was never taken to the line-up at police headquarters. On January 21, 1964, Reynolds was questioned by agents of the FBI and shown pictures of Oswald, but he said again that Oswald was not the man he had seen fleeing the murder scene. Two days later Reynolds was in the basement of his used-car salesroom and a man behind a filing cabinet shot him through the head. Reynolds was on the critical list, but he survived. He later said that he believed the attack on him was connected with what he saw on November 22. A man was subsequently arrested and charged with the attempted murder of Reynolds. His name was Darrel Wayne Garner, and he admitted he'd phoned his sister-in-law and "advised her he had shot Warren Reynolds." But suddenly a young "exotic dancer" named Betty Mooney McDonald showed up with an alibi for Garner, claiming she had spent the night of the shooting with him. Garner was freed on the basis of her unsupported testimony, but a few days later Miss McDonald was arrested on a disorderly conduct charge after allegedly fighting with her roommate, and was taken to Dallas police headquarters—where her dead body was found one hour after arrival. The Dallas police said she hanged herself. Miss McDonald had been employed as a stripper in Jack Ruby's Carousel Club. Because of incidents like these, many Dallas residents who knew something contrary to the "official version" of the assassination were afraid to offer their nonconforming information.

Still another witness to the Tippit slaying—who also, you will recall, said Tippit's murderer was short and stocky—was Domingo Benavides. When I visited Dallas with a film crew some months ago, Benavides agreed to speak to us, but the night before the projected interview, two Dallas homicide detectives visited De Antonio, our director, in the Tower Motel, and informed him that there would be no interview and that we were being investigated. Benavides never showed up for the appointment. When I was back in Dallas just after the publication of my book, I appeared on a local radio show and asked anyone who had any information about him to contact me. Benavides' father-in-law, a man named Jackson, called. Mr. Jackson told me Benavides was afraid to talk and had previously fled the Dallas area in fear. Jackson further revealed that after Benavides failed to identify Oswald as Tippit's murderer, Benavides' brother, who resembled him, was shot through the head and killed. Benavides quit his job and was replaced by another Mexican-American bearing a resemblance to him. Within weeks, that man was also shot through the head by an unknown person, but he survived. The assailants of these two men have never been apprehended by the Dallas police. Benavides was convinced he was the intended victim and fled Dallas, but his father-in-law, Mr. Jackson, went to the police and told them he planned to initiate his own investigation of the two assaults, since the police had made no progress. The police told him not to. Some time later, Jackson heard a noise on his front lawn and went to investigate. As he stood silhouetted in the doorway, a man jumped out from behind some bushes and fired one shot, narrowly missing him. Jackson now believes that these episodes are part of an organized effort in Dallas to silence Domingo Benavides.

PLAYBOY: Where is Benavides now? Have you been able to trace him?

LANE: The last I heard he was in Lancaster, Texas. But I can't compel him to speak to me. The Dallas police advised him not to, and he evidently respects their advice.

PLAYBOY: Do you believe witnesses are being systematically threatened—or liquidated?

LANE: I don't know, but things have been happening in Dallas that are more reminiscent of James Bond than of Sherlock Holmes. For example, immediately after Ruby killed Oswald, two newspapermen went to Ruby's apartment with his roommate, George Senator. Senator, by the way, has since indicated that he knew of Ruby's plan to shoot Oswald *before* the event. What he told these two newsmen I don't know, but within a few months they were both dead. One of them, James F. Koethe, a respected staff writer for *The Dallas Times Herald*, was found strangled in his apartment. The Dallas police list it as an unsolved killing.

PLAYBOY: And the other newsman?

LANE: That was Bill Hunter, a prize-winning reporter for the Long Beach, California, *Independent Press-Telegram*. He was shot by a local police officer while he sat reading in the press room of the Long Beach public safety building. The police said it was an accident.

PLAYBOY: Do you believe these two men were victims of a conspiracy?

LANE: Not necessarily. The murders could be coincidences, but there are too many coincidences in this case. Penn Jones, Jr., editor of a Texas paper, the *Midlothian Mirror*, has investigated these events. He told me that he believes a total of 14 witnesses have died mysteriously since November 22, 1963. William Whaley, the cabdriver who allegedly drove Oswald from the assassination scene and whose original testimony was very inconvenient to the Commission Report, was killed in a car crash—the first cabdriver to die in an accident in Dallas in 30 years. Lee J. Bowers, who, as I already mentioned, told me in a filmed interview that he had seen smoke or flames coming from behind the wooden fence on the grassy knoll, was killed a few months after I saw him—also in an automobile crash. When I was in Dallas with the film crew, some witnesses said they were afraid to talk to us because of the death of the two reporters and the intimidation of other witnesses. For example, the Commission reveals that a man giving his name as Lee Oswald priced a car shortly before the assassination. This man talked loudly to the salesmen about going back to Russia, as I mentioned earlier, and said he expected to come into a large sum of money soon. The Commission concluded that Oswald couldn't drive and that he wasn't there that day. Anyway, we spoke to two of the auto salesmen and they told us that Bogard, the man who tried to sell Oswald the car, was brutally beaten and hospitalized after testifying. He subsequently fled Dallas. These two salesmen told us, "If you take this and the fact the reporters have been killed, and all the other peculiar things happening in Dallas, we're just afraid to be in your film." Thus, important witnesses seem to have been terrorized into silence or conformity.

PLAYBOY: Isn't it possible that some of these people were only reacting fearfully to rumors and to events unconnected with the assassination?

LANE: Yes, it's possible. But what I think emerges is a clear pattern of intimidation of nonconforming witnesses. For example, a Dallas housewife, Wilma Tice,

informed the Commission that she had seen Jack Ruby at Parkland Hospital while the doctors were struggling to save the President's life. Her testimony corroborates that of Seth Kantor, the Scripps-Howard newsman who knew Ruby well and who you'll recall also saw him at the hospital. But the Commission disregarded these two witnesses and concluded that Ruby was not at Parkland Hospital. In any case, just after Mrs. Tice was invited to tell her story to the Commission, but before anyone except the Commission knew she was to testify, she began receiving anonymous phone calls. One caller, for instance, warned her, "It would pay you to keep your mouth shut." Then, one night, Mrs. Tice was awakened by a call. There was no one on the line, but suddenly the doorbell rang and she went downstairs to find she couldn't open her front door. She then went to the back door and found it was barricaded by a ladder. When she finally testified, Mrs. Tice described these events, but the Commission lawyer was not interested in reassuring her of her safety. In fact, he even encouraged her *not* to testify. Here is a witness who believed there was a connection between her invitation to testify and the subsequent efforts to intimidate her by anonymous phone calls and by barricading her house. There is nothing more serious in any investigation than an attempt to tamper with a witness, and Mrs. Tice told the Commission she was so frightened she "wouldn't answer the phone anymore." And what did the Commission counsel reply? Did he order an immediate investigation? No, he simply dismissed her.

PLAYBOY: Do you think this pattern of intimidation—if it exists—has official sanction?

LANE: I think some aspects of the effort to silence witnesses have the sanction of the FBI, the Secret Service and the Dallas police. Just to take one example: Mrs. Jean Hill, a Dallas schoolteacher, indicates she was intimidated—in a slightly more subtle fashion—by the Federal police. Mrs. Hill was standing very close to the Presidential motorcade on November 22. She told me that the shots came from "the grassy knoll"—in fact, she coined the phrase. She also testified to the Commission that the shots came from there. I first spoke to her in February 1964, and when I saw her again recently, she told me that after our interview, "the FBI was here for days. They practically lived here. They just didn't like what I told them I saw and heard when the President was assassinated." When I asked her for a filmed and tape-recorded interview, she refused. She told me: "For two years I have told the truth, but I have two children to support and I am a public school teacher. A school authority said it would be best not to talk about the assassination, and I just can't go through it all again." Mrs. Hill added, "I can't believe the Warren Report. I know it's not true, because I was there when it happened, but I can't talk about it anymore, because I don't want the FBI here constantly and I want to continue to teach here. I hope you don't think I'm a coward, but I cannot talk about the case anymore." There is definitely an atmosphere of fear in Dallas surrounding the whole question of the assassination.

PLAYBOY: But many people did consent to interviews with you.

LANE: Yes, and those people are the real heroes of this whole affair. They're the ones who make me believe that there still is hope for the truth here in America. One of these people, S. M. Holland, a middle-aged Texas railroad man, told me in a filmed interview that he had witnessed the assassination from the railroad bridge. He said he *knew* that at least one shot came from behind the wooden fence on the grassy knoll. He told me that his statements during our interview might lose him his job, but he added, "When the time comes that an American can't tell the truth because the Government doesn't, that's the time to give the country back to the Indians—if they'll take it." In my opinion, one man like S. M. Holland is worth a handful of eminent officials, when it comes to establishing the facts.

PLAYBOY: If witnesses have been intimidated—even murdered—for challenging the official version of the assassination, doesn't that place your own life in jeopardy?

LANE: Well, I hope not, because I'm not very heroic. In fact, I'm a bit of a coward. But I've become so publicly identified with this case for so long that if anything happened to me, it would only deepen and confirm suspicions.

PLAYBOY: Have you been placed under official surveillance in any way since you initiated your investigation?

LANE: Well, there are 1555 files dealing with the assassination in the National Archives; 508 of these were classified when I was there last, and some of the material can't be seen by anyone for 75 years. Of the remaining documents, so far I have discovered a total of 35 files—prepared for the Warren Commission by the FBI and Secret Service—dealing with nothing more than my speeches around the country. They make fascinating reading. One file is almost a complaint by a bored Secret Service agent compelled to listen to many of my lectures. He writes, "I enclose the seven reels of tape which we made of Lane's lecture here in San Francisco, and you will note that what he said in these speeches differs not at all from the testimony which he gave to the Warren Commission." Lee Harvey Oswald was interrogated 12 hours without a taped or stenographic record of his statements, yet FBI and Secret Service agents can traipse around the country on the heels of a relatively obscure New York lawyer, tape-recording every word he utters. It's all a question of priorities, I guess.

PLAYBOY: Do you think they're still following you?

LANE: I don't know.

PLAYBOY: Have you had any other trouble with the FBI or Secret Service?

LANE: When you're involved in a case like this, there's always the risk of succumbing to a touch of paranoia. I've tried to avoid that. But I *was* stopped once in 1964 outside my Manhattan apartment by two men who identified themselves as FBI agents. It was pouring, and I had a cab waiting. They asked me if I was Mark Lane and when I admitted it, they demanded that I hand over my attaché case. I refused, of course, and they then announced they had information that I possessed a file stolen from the office of the FBI. I said, "Oh, is a file missing?" and one of the agents replied, "This is no time for levity." I was inclined to agree, as I was getting soaked to the skin standing there—they were wearing trench coats—so I told them to have J. Edgar Hoover write a letter if he had anything to ask me, and not send his flunkies to accost me on the street and demand my possessions. I started for the cab, but they surrounded me—as well as two men can surround one man—and we almost had a little scuffle on the sidewalk before I was able to shove one of them aside and get into the taxi. I never heard anything more about their missing file. Our investigators in Dallas have been openly followed by uniformed Dallas cops, but that may be standard operating procedure there, so I try not to let it concern me.

PLAYBOY: Do you know if your phones are tapped?

LANE: An electronics expert examined my phone on three separate occasions, and each time he said they *were* being tapped. But I'd be surprised if the FBI *wasn't* tapping my lines, since they tap so many others. In fact, I'd feel a bit neglected if mine escaped scrutiny. They may have this apartment bugged, too, but we haven't bothered to check that out. We really don't care too much anymore. We've adjusted. But I wouldn't be surprised if Mr. Hoover reads this interview before Mr. Hefner does.

PLAYBOY: Was there any Government pressure to prevent publication of your book?

LANE: Unfortunately, publishing companies are vulnerable to such pressure; many of their books are purchased in lots by Government agencies; a number of publishers are engaged in delicate

mergers skirting the antitrust laws; and everybody is open to harassment by the Internal Revenue Service. My own publisher, Holt, Rinehart and Winston, I understand, came under direct pressure from the FBI. An assistant director of the FBI called a Holt executive and urged him not to publish my book. He said that "John," meaning J. Edgar, "the Bureau," meaning the FBI, and "I," meaning him, would be very upset if Holt did. When the Holt executive said Holt was committed to the book, the FBI man told him that this decision would not be the only consideration in John's mind when he picked a publisher for his next book. Until that conversation, Holt had published many of Hoover's works—including one called *Masters of Deceit*, which I imagine is a kind of autobiography.

PLAYBOY: If what you've had to say about the assassination is true, why hasn't the Kennedy family spoken out? If the President was really killed by a conspiracy, wouldn't the Kennedys be the first to raise a public outcry?

LANE: The Kennedys *are* beginning to speak out, although rather softly. Richard Goodwin, who was President Kennedy's White House aide and speech writer and is now part of Bobby Kennedy's inner circle, recently criticized the Warren Commission and made a mild public request for a new investigation of the assassination. I can't believe Goodwin would have said this without first clearing it with the Kennedy family; so I think the Kennedys may share his opinions. Another Kennedy aide, Edwyn Silberling, Chief of the Organized Crime and Racketeering Section of the Justice Department under Robert Kennedy, has written an introduction to an early anti–Warren Commission book. Silberling says this book "raises questions that deserve to be answered concerning the possibility that a conspiracy existed to destroy President Kennedy." Hugh Trevor-Roper published a major attack on the Warren Commission Report in the London *Sunday Times*. He told me later he indirectly received a message from Senator Robert Kennedy saying, "Keep up the good work."

PLAYBOY: Why hasn't Senator Kennedy spoken out directly?

LANE: That question must be directed to him for an authentic reply. But I'll give you my opinion. The assassination of President Kennedy is the most delicate, and the most potentially explosive, issue in American life. The Kennedys have a human motive to avenge their martyred brother, and they also have a political motive to do it in the most effective way. Remember, the Kennedys are waging a long-term political war with President Johnson, and the assassination issue may well play a very vital role in that struggle. I think it's significant that whenever a Kennedy is asked about the Warren Report, he always says—and I paraphrase—"I've never read it, but I accept it." They've never read it! To me those statements indicate that the Kennedys are keeping their options open and biding their time until they can announce, "We have now read the Report—and we find it false."

PLAYBOY: Rumors are circulating that President Johnson is trying to pressure Robert and Jacqueline Kennedy into blocking publication of William Manchester's book on the President's death, or at least into deleting those sections most hostile to L. B. J. Is there any truth in this?

LANE: I'm not privy to President Johnson's thinking on the subject. But I have heard such stories. *The Wall Street Journal* recently reported that the Kennedy family "fears the wrath" of the President because of the revelations in the book.

PLAYBOY: The Warren Commission was a Presidential Commission, appointed by Johnson. Do you hold him responsible for its alleged transgressions?

LANE: Yes, absolutely. Harry Truman used to say about the Executive desk: "The buck stops here." President Johnson appointed the Commission and selected its members. He is responsible for their subsequent behavior, and he is responsible for the fact that the most vital material in this case is classified top-secret until September 2039. President Johnson is responsible for the fact that the crucial material evidence—the rifle, the bullets, the pistol, the autopsy X rays and photos—have either disappeared or been left to the tender mercies of the FBI, the Secret Service and the Dallas police. With one stroke of his pen, the President could make all this material available to the American people. He has chosen not to do so. It's not only Earl Warren who's at fault, although by their behavior, Warren and his colleagues have desecrated John Kennedy's memory. The Chief Justice and his six cohorts were just front men for Lyndon Baines Johnson. The buck stops at *his* desk.

PLAYBOY: *New York Post* columnist Pete Hamill recently wrote that everywhere he traveled in America, he came across a theory about the assassination. "The theory says that somehow, in some way, Lyndon Baines Johnson was responsible." On September 1, 1966, *The New York Times*' Moscow correspondent reported that "the Kremlin was mounting a campaign to challenge the Report's veracity and, by innuendo, to implicate President Johnson in the assassination of President Kennedy." Intentionally or not, aren't you adding fuel to the fire of these unsupported rumors?

LANE: That is not my intention. My desire is to find out who killed our President and why he was killed. I've appeared on radio and TV shows all across the country and I've heard these rumors myself. I've been asked many times if Johnson was involved. I know these rumors have been strengthened by the recent publication of letters from Jack Ruby, smuggled out of the Dallas jail. One of these, a note to another prisoner, reads, "The only one who had anything to gain by Kennedy's death was Johnson. Figure that out." I personally think the rumors are unfortunate, but the awful thing is that until the archives are opened, until the facts are known, such speculation will persist—and will grow. Of course, I don't believe President Johnson had anything to do with the assassination—but until all the facts are known, I cannot base my disbelief on the evidence. President Johnson has a personal and political stake in dispelling these rumors once and for all. Only the facts can replace conjecture. I've appealed to the President to open up the National Archives, assemble the evidence and allow independent, impartial and qualified investigators in the fields of ballistics, forensics, handwriting and photographic analysis to examine every document and render an objective verdict to the American people. Since President Johnson has nothing to hide, he should deal honestly with the American people by ascertaining and releasing all the facts of the assassination. Until he does, there will be a shroud of suspicion hanging over his head, and over all our democratic institutions. And if he does not act voluntarily, then the American people, through the legislature and the courts, will have to act for him. We have waited for the truth too long—three years too long.

PLAYBOY: Do you believe you will succeed in discrediting the Warren Report and initiating a new investigation?

LANE: The Warren Report already stands discredited before the rest of the world. When Waggoner Carr, the attorney general of Texas, read the Report, he told the press: "It is a document which will last through the ages." I do not believe the Warren Report will survive the next six months. In fact, a Harris poll published last October in *The Washington Post* revealed that even then only one of three Americans believed Oswald was the lone assassin. History may come to know the Report as the "Warren Whitewash"; it may be ranked with Teapot Dome and the Reichstag Fire trial as a synonym for political cover-up and cynical manipulation of the truth.

PLAYBOY: You've devoted the past three years of your life to a critical investigation of the assassination. How long do you plan to continue your efforts?

LANE: Until the American people know how and why and by whom our President was killed on November 22, 1963.